VINDICATION
OF THE
Deprived Bishops.
ASSERTING
[illegible]
In Two PARTS

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A VINDICATION OF THE Deprived Bishops, &c.

PART I.

Shewing, That though the Instances *collected in the* Barocchian MS. *had been pertinent to the* Editors *Design, yet that would not have been sufficient for Obtaining their* Cause.

1. THat the *Laity* should be favourable to Mistakes derogatory to the *sacred* Power, cannot be thought strange in an Age wherein they generally use so little diligence to inform themselves, or to receive information from those who are qualified to inform them, concerning the Rights of the *Clergy*: Their own Interests are alone sufficient to make them *partial* in affairs of this nature, though they were more sincerely influenced by Considerations of Religion, than we generally find them; but that *Clergymen* should also favour them in Encroachments on their *own Function*, that *they* should professedly patronise Doctrines tending to lessen the Esteem of that greatest and most valuable of all Authorities wherewith God has honoured and intrusted none but *them*; that they should make it depend on the *pleasure* of the *Magistrate*, which was designed for *greater* and more *noble* Ends than the *Magistracy* it self; that they should put it in his power to destroy the very *being* of the Church as a *Society* by a secular Deprivation; that they should not onely *own*, but *teach*, That none are obliged to adhere to *themselves* in such a Case wherein the *Magistrate is against them*, no not so much as in regard of *Conscience*; that they should by this means make the greatest and most momentous Concerns for *Souls* subordinate to *worldly*, *carnal* Politicks, and the far less weighty Interests of *worldly* Prosperity, and of *particular* Societies; that they should hereby make it *least* capable of subsisting under a *Persecution*, which was the Case most obvious in the view of our B. *Saviour* and his *Apostles*, and therefore most particularly provided for, if they took care for any thing beyond their own time: These things, I say, would not be very *credible*, if they were not very *notorious*. One would think none who

Clergymen not excusable for appearing in a Cause so destructive of the *Interest* of Religion in general, and of their own Function in particular, without Reasons very evident and convincing.

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who valued the general good of *Religion*, and the *Catholick Church*, and the *Souls* of Mankind, before the temporal Prosperity of any particular State, (and it is hard to conceive how any good Man can doe otherwise,) could even *wish* such Opinions true, though his *Wish* alone were sufficient to make them so. How then is it agreeable, that *Clergymen* of all Men should be the most favourable and zealous *Advocates* for such Opinions, so manifestly destructive of those greatest Interests, which they of all men ought best to *understand*, and to be most zealously concerned for? How is it agreeable, that they of all men cannot be content to let the *Memory* of *ill Precedents* dye, but that they must alarm us with *future Fears* of having them acted again, by not only *abetting*, but also *justifying* them? How is it agreeable, that they should do this in a *Prospect*, such as ours is, of a *Laity* so little *concerned* for the good of *Religion*, and the *Church*; when even they who have any Principles, have such *lax* ones, and so very little obliging them, even in *Conscience*, to venture any thing for any *particular Communion*? That their preferring their *worldly* Concerns depending on the Pleasure of the *Magistrate*, before the *greater* Concerns of *Souls* and *Eternity*, is the true Cause of it, is not to be believed, while there are any *Reasons* that might induce them to it. Yet *little Reasons* cannot in *Equity* excuse, when the *Consequences* ought to be so very *valuable* on that very account of *Mens* being either *good* or *religious*. But this advantage our Adversaries have, that their Cause is like to suffer nothing by ill *Management*, when it is in the hands of such *able* Advocates. Let us therefore see whether all they say will amount to *Reason*, and to Reason sufficient to excuse them.

The Author of this Manuscript too low to pass for an Evidence of the *Facts* mentioned by him. He knew nothing of the later part of the History of *Nicetas Choniates*, relating to *Constantinople*.

2. They pretend, and pretend with great Confidence, That nothing can justifie our Adherence to even unjustly deprived Bishops, if the Successors be not Hereticks. That this is so, they appeal to an antient *Greek* MS. of Instances collected to their hands, before any prospect of our present Case. They pretend from this Collection, that neither the Bishops *themselves*, who were unjustly deprived, made any *Separation*, nor any *Subjects* of such Bishops, on account of any obligation of *Conscience* to adhere to them. Hence they collect, that these things being the sense of the *antient Church*, as *often* as any such *Instances* appeared, ought also to be our sense who profess a Veneration for *Antiquity*. And were these things so as they pretend, they would perhaps be considerable to excuse the Practice of our present Adversaries: But all these things are justly questionable, and far from that *Evidence* which their *Cause* requires, and themselves pretend to: All they say is resolved into this MS. and this will do nothing for their purpose. The Author, whoever he was, is much too *young*, to be admitted as a *Witness* of most of the *Facts* enumerated by him; especially considering we have Authours of the earlier times to speak for themselves. Nay, he has not pretended to be a *Witness* on his *own* Credit: He has been particularly carefull to tell us his Authors,

Authors, most of which are extant to this very day. As therefore his Credit is nothing for things so much *earlier* than his own *Age*; so neither is there any need we should depend on his Credit, when we can have immediate recourse to his original Authors themselves. It is called an *antient MS.* and yet pretended no elder than the 13th Century. But sure the ingenious English Prefacer cannot think *Antiquity* of so *low* a date as that is, to be *that Antiquity which we profess to imitate*, or *pretend to alleadge*: Yet neither can he prove his Author a competent Witness even for that low Antiquity. All that appears from his quoting *Nicetas Choniates*, is onely this; That he could not be elder than that Century in which the Author lived who was quoted by him: But neither doth it thence follow, that he lived in the same Age; nor can it thence be determined how long he lived after him. This mention of *Nicetas* will bring him down below the Year 1205. where *Nicetas* ends his History. *Nicetas* himself lived some while after. But our Author refers to his History as an *Authority*, as being elder than the Traditions of the Age he lived in. He neither pretends to *remember* the things for which he quotes him, nor to have received any Informations concerning them from the relation of any *old Men* who could remember them. But where *Nicetas* fails him, he shews himself perfectly ignorant of the Affairs of that Age, which was concerned in the History written by *Nicetas*. *Nicetas* mentions no Successor in the See of *Constantinople* between *Cosmas Atticus* and *Theodosius*: Our Author therefore takes *Theodosius* for *Cosmas*'s immediate Successor. *Nicetas* does not mention the *Synods*, nor the *Abdications*, that were in the Cases of the Patriarchs deposed in the time of *Isaacius Angelus*; therefore our Author supposes there were none. *Nicetas* mentions the Opposition, but not the *Schisms*, that fell out in the two Settlements of *Dositheus*; therefore our Author takes it for granted that there were none, and reasons accordingly upon that Supposition. These things plainly shew, that our Author did not write within any near *Memory* of the History written by *Nicetas*; and therefore must be considerably later than the beginning even of the XIIIth Century.

3. It will farther add to the Probability of this Observation, if it be considered, that our Author was a *Constantinopolitane*, and in such a *Station* in the Church of *Constantinople*, as that he could not have needed the Information of *written Monuments* for the Affairs of the Church of *Constantinople*, that had been within the reach of a *near Tradition*. This has already been observed by the *English Prefacer*, Mr. *B.* and observed from hence, that our Author derives the *Orders* of the Church he was concerned for from former Bishops of *Constantinople*: But for this perhaps it might have been sufficient, that he had been of any part of the *Constantinopolitane Jurisdiction*, at least of a *Church* which owned the *Patriarch* of *Constantinople* for their more immediate *Metropolitane*; I therefore add another Argument that will not be so easily evaded. Our Author speaking

Which yet he must have known, as a publick Officer of the Church of *Cp.* if he had liv'd near him.

ὡς ἕκαστος τύχοι, p. 25.

king of the *Synodicon*, says it was read in the Church, *as every body knows*. This was particularly true of the particular Church of *Constantinople*: There it was that the *Tomus Unionis*, that part of the *Synodicon* to which our Author refers, was made, as *Anastasius Cæsareensis* assures us. And therefore there it was that it was ordered to be read every *July* annually. The *Union* it self particularly concerned breaches, which had been before between *Constantinopolitane* Patriarchs, and was therefore most proper to be read in the *Patriarchal* Church. I add farther, that the Author seems to have a constant fixed relation to that particular Church, as an *Officer* of it, and such an *Officer* as that it was his particular Duty to be conversant in the *Histories* belonging to it. The subject Matter of this Discourse is *Historical*: And the address of is not to *Readers*, but *Auditors*. This plainly shews that it was *spoken*: And of these *spoken* Historical Discourses we have many Instances in this very same *Barocc*ian MS. We have here the larger Epitome of the Ecclesiastical History of the *Arian Philostorgius*, which is here said to have been ἀπὸ φωνῆς φωλίᾳ Παζιάτχι. We have also several Collections of History ascribed to *Nicephorus Callistus Xanthopulus* in the same form of ἀπὸ φωνῆς, out of the Ecclesiastical History of *Eusebius*, of *Theodoret*, of *Theodorus Lector*. This form therefore ἀπὸ φωνῆς seems to have been opposed to ἀπὸ χαρτῶν, as the address to ἀκροαταὶ is also to ἀναγνῶσται. Both together seem to imply that it was rather a *Speech* designed for *Auditors*, than a *Writing* for *Readers*: That is, that it was not committed to *writing* by the *Author* himself, but by the Author only *spoken*; it was taken from his *Mouth*, and committed to *writing* by the *Auditors*. I think there can be little reason to doubt, but that the address of this Discourse to ἀκροαταὶ, is exactly answerable to this other form in the Works inscribed ἀπὸ φωνῆς. If so, then we may reasonably judge, that our Author, whoever he was, was in the same *Office* in the Church of *Constantinople* wherein *Photius* and *Nicephorus* were, when they also *pronounced* and *dictated* the Works which are so inscribed to them; and that his Office was, as theirs was, particularly to enquire into *Ecclesiastical History*, and to instruct his *Auditors* in it. As for what Mr. *B*—— collects from this *address*, That the Tract it self was a *Homily*, methinks the whole *nature* of the *Subject* might have sufficed to convince him. He might as well have conjectured all the *Collections* out of *Eusebius*, *Socrates*, *Sozomen*, &c. to have been *Homilies*, because they are also ἀπὸ φωνῆς. But this I believe that *worthy Person* was not aware of, who does not seem *himself* to have perused the MS.

Anastas. *de Jejun. Dispar. p.* 435. *Tom.* 3. *Coteler. Mon. Gr. Eccl.*

fol. 243.

fol. 212, 225, 230.

The use of the publick Ecclesiastical Rhetor.

4. Perhaps these Expressions may afford us some, not improbable Conjectures concerning the Nature and Design of all these *Historical Collections*; particularly Mr. *Hody* may be pleased to remember what himself has very well observed in his *Premonition* to *Malela*. He has there observed a multitude of *Historians* called *Rhetors* and *Sophists*, whence

whence he well infers, that those very Titles seem to have had some relation to their very Faculty of being *Historians*. He observes farther, that there was a *Rhetor* appropriated to the service of *particular Churches*. Such was the *Rhetor* of *Ænus*, joyned with the *Ecdicus* or *Defensor* of the same Church. And it is indeed probable that all those *Historians*, who are called *Rhetors* and *Sophists*, were called so from their bearing that Office in some *particular Church*. He has observed farther, That in the Service of these Churches there were *Bodies* of these *Rhetors*, and among them *one* who *presided* over the rest, as *Samuel* over the *Prophets*, called Μαιστὼρ, *Magister*, (as that Name was in those Ages applied to *Presidents* of the *Palatine* Offices also,) and Διδάσκαλος τῶν Ῥητόρων, answerable also to the Secular *Campidoctores* in *Vegetius*, and ἀμφὶ τὸν Ῥήτορα. These *Ecclesiastical Rhetors* seem to have been one part of the *Clergy*, that were maintained by the Revenues of the Foundation, mentioned frequently in the Imperial Constitutions, particularly designed for this purpose of studying *Ecclesiastical History*. The young Men therefore designed for this study, were obliged to be Auditors of the *Principal Rhetor*, who was a kind of a publick *Professor* of *Ecclesiastical History*. The use of this study for the Service of the Church, was to search into *Precedents* when any Act of publick Discipline required it, and very probably into *Canons* also, when the Case was resolvible by *written Canons*. Both are made use of in this Discourse, though the *Editor* has omitted all the *Canons*. Thus this *Ecclesiastical History* was consulted for both *Laws*, both the *written* ones and the *unwritten* ones, which were nothing else but *allowed Practice*. This Profession therefore being found so useful for the Service of the Church, care was taken that there might always be an Ecclesiastical *Nursery*, that might continually afford *Candidates* qualified to supply the *Chair*, as often as a vacancy should fall. That was by obliging the *Master* to a constant Duty in his Function, for the Instruction of his young Students. And the Duty was either to take a received *Historian*, and to *abbreviate* him, or to collect a multitude of Instances in a particular *Case* when he was consulted, thereby to let the young Students understand the design of their Historical Studies. But all was by word of *Mouth*, and by way of *Dictates*, to be committed to writing by the Auditors themselves. This was the easiest way for multiplying Copies before Printing was invented: And withal it exercised the Abilities of the Writer, in teaching him to write truly. And indeed it seems to have been the general way of teaching. Thus the Authors taught in the ordinary Schools, are called *Centum circatorum dictata*. And hence it is, that we have so many *Homilies* of the Fathers preserved in *writing* by their *Pupils*, when only *spoken* by themselves, under the name of Ὁμιλίαι γραπταὶ ἀνῶν.

This Office very ancient in the Church of *Cp.* perhaps from the first Foundation of it by *Constantine* the Great.

5. This therefore is an easie and obvious Account of the Words εἰς ἐρεῖς, and the address to Ἀκόλουθε. Nor is it easier in it self, than fit

to the Persons of those whose *Dictates* we have in this same MS. *Nicephorus* tells us himself, in his Preface to his *History*, That he had been bred up from a Boy in the Church of St. *Sophia*. This is the exact Character of those young Students, who were educated at the Charges of the Church for these Ecclesiastical Services, and who were withal the fairest Candidates for these *Masterships*, whenever they fell vacant, either by the Death, or the farther Promotion of those who possessed them. Then it was probably to be expected, that after many years Profession, they should draw up their Dictates into the form of a continued *History*, as it is most likely all those *Historians* did, who are still known by the Names of *Rhetors* and *Sophists*. And it is very probable that *Nicephorus*'s History was the last thing performed by him: He says himself he was in the 36*th* year of his Age when he began it, and yet that he was then but *young*, implying plainly, that he was *old* when he finished it, and wrote the Dedicatory Epistle to *Andronicus*. It is also probable that *Photius*, who was afterwards Patriarch, had been also his Predecessor in this same Office, because his *Excerpta* out of *Philostorgius*, contained in this same MS. are said also to have been *ἀπὸ φωνῆς*. That may, perhaps, give an account how these *Excerpta* of *Photius* came to be inserted among the Dictates of *Nicephorus*. It is not unlikely those larger *Excerpta* of *Photius* dictated from *Philostorgius*, had occasioned the loss of *Philostorgius* himself, and that *Nicephorus* was therefore necessitated to use those *Excerpta* for his own *Text*, which he was to dictate to his Pupils. The Office it self seems to have been far antienter than the time of *Photius*, as appears from the multitude of Rhetors and Sophists before him, that were Historians: For my part, I am apt to think it near as old as the Foundation of the *Church* of *Constantinople* by *Constantine* the *Great*. *Socrates* the Historian himself has two Collections of Historical Precedents; one concerning the different *Customs* of different Churches, to satisfie, as it should seem, the Scrupulosity of some who scrupled the Lawfulness of Things themselves had not been used to; the other of the *Translations* of Bishops from one See to another, occasioned by a Translation, made in the 5th Century, of *Proclus* from *Cyzicus* to *Constantinople*. Hence one might conjecture, that as he might have the Materials for his History from the Dictates of his Master *Troilus*, the Sophist; so he might have these Collections of Precedents, so like to ours, from some Cases proposed and resolved by the same *Troilus*, and by him communicated in Dictates to his Pupils. This is the rather to be conjectured, because Digressions of that kind are not so usual in Histories antienter than this Custom. Withall *Socrates* assures us that *Troilus* had the Office of *Rhetor*, and that he was not the first, but succeeded *Silvanus* in it. This was in the same Church we are mentioning, of *Constantinople*. And *Valesius* has elsewhere observed the *Habit* proper to that *Rhetor*, answerable to those of our *Academical Professors*: See his Notes on *Socr.* L. VII. c. 12. It is certain,

L. V. *c.* 22. *Vid. etiam* Sozom. *l.* 7. *c.* 19.

L. VII. *c.* 36.

L. VII. *c.* 37.

certain, long before that time there were *Grammarians*, *Oratori*, *Phyſicians*, *Philoſophers*, maintained on the Publick for the uſe of *Cities*, and frequently mentioned in the Pandects, at leaſt from the time of *Marcus*. Why ſhould it therefore be thought ſtrange, that even *Conſtantine* himſelf ſhould make the like proviſion for Studies neceſſary for the Church, out of the *Revenues* himſelf was pleaſed to ſettle upon *Churches*? And the like proviſion we find in the Eccleſiaſtical Foundations. We have ſeveral Writers called *Grammatici*, no doubt becauſe they were the Inſtructers of the Eccleſiaſtical Grammarians: Others we have, called Ἐπὶ τῶν διδασκάλων, as preſiding alſo over the Eccleſiaſtical Philoſophers. It is perhaps a little more difficult to give an account of the uſe of this Phraſe in this MS. upon occaſion of producing a Paſſage of *Hegeſippus* out of *Euſebius*, which is ſaid to be Ὑποθέσεως ἐκ μέρους. But it is not probable that that Cuſtome of the Eccleſiaſtical *Rhetor* was near ſo old as the time of *Hegeſippus*. I am ſure *Euſebius*, from whom *Nitephorus* took all he pretends concerning *Hegeſippus*, gives him not the leaſt occaſion to think ſo. It is particularly certain, that *Euſebius* himſelf had that Paſſage, not from the *Voice*, but the *Writings* of *Hegeſippus*. I therefore rather believe, that this Paſſage alſo of *Hegeſippus*, was from the *Voice* of *Nicephorus*, delivered by him in *Dictates* to his Pupils, as many other things in this ſame MS. are, out of *Euſebius*'s Eccleſiaſtical Hiſtory; only perhaps there might be ſome particular occaſion for *dictating* this Paſſage of *Hegeſippus* out of the ordinary courſe and method of his *Readings*.

6. I am apt therefore to think, that the Author of this MS. was the *Eccleſiaſtical Rhetor* then in *Office* when the *Schiſm* happened that occaſioned it. Who that was, it is hard now to judge, becauſe we have no Catalogues extant of the *Succeſſors* in that *Office*: And if we had any, it could hardly be gueſſed at till we can firſt gain ſome proſpect of the *time* wherein it was written, which is the thing into which we are at preſent enquiring. And in order hereunto all that we can infer from this Office of the Author, is that he could not live within memory of the *latter* part of the Hiſtory of *Nicetas Choniates*. I now add farther, that it ſeems alſo probable, that he did not live at any great diſtance from the memory of it. This I gather, becauſe he aſcribes the generality of the Orders of his own Time to theſe five Succeſſors in the time of *Iſaacius Angelus*. He does not ſay ſo of the *Ignatians* and *Photians*, nor of the *Nicolaitans* and *Euthymians*, nor of any of thoſe more *diſtant* Patriarchal Factions. That therefore he ſays it of theſe lateſt of his Examples, the Reaſon ſeems to be to let his *Auditory* thereby underſtand, that he had now brought down his Succeſſion of Precedents ſo near his *own* time, that the *old* Clergymen then living, though they could not remember thoſe Patriarchs of the time of *Iſaacius* themſelves; yet they could at leaſt remember, that the old Men, from whom themſelves received their Orders, did *remember* them, and did withall profeſs,

This Diſcourſe ſeems to have been written by the *Eccleſiaſtical Rhetor* of the Church of *Cp.* then in *Office* when the Schiſm happened that occaſioned it.

ſeſs, that they had received their *Orders* from them. This will bring our Author's time within a Century after thoſe times of *Iſaacius Angelus*. So the firſt remarkable *Schiſm* that fell within that diſtance, will moſt probably be the *occaſion* of this Work, and the *Eccleſiaſtical Rhetor* then in *Office* the Author of it: But of this more hereafter.

Not by *Nicephorus Calliſtus*.

7. I confeſs, I was once of the mind that *Nicephorus Calliſtus* was the Author of it: My reaſon was, that which is mentioned by Mr. *Hody*, that his *Name* is made uſe of in moſt of the Works contained in this Volume, either in the *Titles*, or in the *Tables*; and that both *before* and *after* this of which we are at preſent diſcourſing. This made me think, that the whole Volume was intended for a *Collection* of Pieces wherein he was ſome way concerned, and that his *Name* was *intended* for the *Title* here, if the Illuminator had performed his Office, in adding a Title to it: But upon more thorough conſideration I have, I confeſs, altered my Opinion. I obſerve this Tract is in a hand extremely different from the other hands of the whole Volume: It is withall contrived within a quire proper to itſelf, and the latter end in a little ſmaller hand, that it might come within that compaſs. Thence it appears, that it was written *ſingly*, not to be connected with a following Vacancy, where there might have been room for what remained; but to be bound up with other things already written. Accordingly what follows begins abruptly, as if the former quire had been purpoſely left out, to make room for this Inſertion: Theſe are Tokens, that it was not at firſt deſigned as a part of this particular Collection. Then it begins ſo near the top of the Page, that one would ſuſpect no *Title* was intended, but that the Author's Name was purpoſely omitted. And indeed no Author's Name

Coteler. Not. ad 3 Vol. Mon. Gr. Eccl. p. 645.

ſeems to have been mentioned in the Copies from whence *Cotelerius* intended to have publiſhed it. Withall I doubt, that *Nicephorus Calliſtus*, who wrote when *Andronicus* was now grown *old* in the Empire, might have been ſomewhat of the lateſt to have been the Author of it. Beſides, there are conſiderable Differences between our Author and *Nicephorus*: Mr. *Hody* has obſerved one, if the Interpoſition of *Leontius* between the Inthronings of *Doſitheus* be not rather ſome Diſorder of our Copy of *Nicephorus*'s Catalogue of Patriarchs. There are alſo ſeveral other Differences: Our Author calls the firſt of the Patriarchs depoſed by *Anaſtaſius Dicorus Euthymius*, and that as often as he mentions him, both in the *Tract* itſelf, and the *Summary*, as ſeveral others had done before him.

Niceph. H. E. xvi. 19, 20, 25, 26, 32.

Nicephorus calls him rightly *Euphemius*, both in his MS. *Catalogus*, and in his *Eccleſiaſtical Hiſtory*. Our Author takes no notice that *Timotheus*, the next Succeſſor but one to *Euphemius*, was a *Heretick*; but *Nicephorus* does in his *Catalogue* of *Patriarchs*, if the inſerted *Cenſures* of the *Patriarchs* be *his*: There he is called, in an interlineary Note, θυμαχίου. However

Ibid. 35.

in his *Hiſtory* he takes notice of his *Fickleneſs*, that he ſometimes approved, and again openly condemned the Synod of *Chalcedon*. This was ſufficient

ſufficient to hinder him from arguing, that his *orthodoxy* was the reaſon why his *Communion* was owned, notwithſtanding his Uſurpation. So alſo from the remaining *Contents* of the 23d Book of *Nicephorus Calliſtus*, it appears that *Nicephorus* owned that there were *Schiſms* in the time of *Leo Sapiens*, under the Patriarchate of *Stephen*, the Emperor's Brother, and of *Nicolaus Myſticus* and *Euthymius*, though it ſeems our Authour knew nothing of them.

Ad finem Cap. 1. L. 1. Nicephori.

8. Thus much therefore we have gained, That in Matters of ſo great *Antiquity* as are here debated, this Author's Word alone is by no means competent to be depended on as an Authority. Hence it will follow farther, that we may now very juſtly put the Streſs of our Cauſe upon examining the Merit of the things themſelves, without any relation to the Author: And if we can ſhew, that his Way of *Reaſoning* is not concluding, though the Matters of *Fact* produced by him were as *pertinent* to our preſent Caſe as our Adverſaries are concerned they ſhould be; and alſo that his Matters of *Fact* are far from being ſuch as they ſuppoſe them; I cannot foreſee what our Adverſaries can in reaſon deſire more, for ſhewing how little reaſon they have to be ſo confident, on account of what is ſaid by this Author.

This Author no competent *Witneſs* of the Matters mentioned by him.

9. Firſt therefore, as to the *Reaſoning* itſelf, how much ſoever it be inſiſted on by our late Brethren in our preſent Diſputes; yet neither is it ſuch as would be thought fit to be *regarded* by Men of *Conſcience*, nor *ſafe* to be *truſted* by Men of *Prudence* and *Skill* in the *Art* of *Reaſoning*. They pretend to have amaſſed 18 Inſtances, (of Biſhops who did not think fit to *inſiſt* on their *Right*, or were not *ſeconded* by their *Subjects* if they did ſo, when they were not deprived on account of *Hereſie*,) out of the Hiſtory of 900 Years. Whether they did *well* or not in it, is not here ſo much as attempted to be proved; only it is *preſumed* to be *well done*, barely becauſe 'twas done in ſo many Inſtances, and no publick *oppoſition* made againſt it. But if Matters of *Fact* ſo nakedly mentioned muſt be urged for *Precedents*, it will be impoſſible to make any thing of this way of Arguing from *Hiſtory*. What *Hiſtory* is there, that in a Succeſſion of 900 Years, does not afford Examples againſt Examples? And how can it be underſtood which are rather to be followed as Examples, if no more be conſidered concerning them but barely this, that they were *Examples*? How eaſie were it for an *Hiſtorian*, by this *Way* of *Reaſoning*, to juſtifie, as our *Brethren* do, the wickedeſt things that can be! They prove it lawful to *break Oaths*, from the Example of King *Stephen*, which I believe they will hardly find one antient Hiſtorian who does excuſe it from the Charge of *Perjury*: I am ſure they may find ſeveral, who charge it as expreſſly as we do, with that very *Imputation*. And can we not, in the ſame ſcope of Time, produce 18 Inſtances of ſucceſsfull Wickedneſſes, of *Murther*, *Adultery*, *Sacrilege*, &c. committed by potent Perſons, whom it was *no way ſafe* to contradict, at leaſt where

Our Adverſaries way of Reaſoning in this Caſe is neither conſcientious, nor prudent.

See the inſtances produced by the Author of the *Unreaſonableneſs of a New Separation upon the Account of the Oaths.*

where there are no *Memorials* of *Oppoſition* tranſmitted to Poſterity? Can any Man of *Conſcience* think it fit, that 18 Inſtances on one ſide, in ſuch a ſpace of Time, ſhould be the *Rule* of his *Conſcience*? Or can any *wiſe* Man think himſelf obliged to *defend* whatever may be patronized by ſuch a *number of Inſtances*?

1. *Non-adherence* to unjuſtly deprived Biſhops will ſignify nothing to our preſent Caſe, unleſs the Perſons who did not adhere to them did believe them unjuſtly depriv'd.

10. The *Deſign* of this Way of Arguing is, no doubt, to prove the *Senſe* and *Approbation*, at leaſt, of thoſe *Churches* where theſe Inſtances paſſed without Contradiction; but it is manifeſt, that *many more* things are requiſite for proving that, beſides *naked* Matter *of Fact*. What if in the *Inſtances* here mentioned, the *Churches* did not *adhere* to unjuſtly-deprived Biſhops, when the Intruders were not *Hereticks*? Yet many more things muſt be requiſite to be made out, before *Application* can be made to our preſent *Caſe*, which are not *yet* in the leaſt *attempted*. It muſt firſt appear, not onely that the Deprivation was *indeed* unjuſt, but that the Church, who deſerted them, and adhered to the Intruders, did alſo *think* it ſo: Yet this will hardly be made out, particularly in the Caſe of St. *Chryſoſtome*. I believe they can give no Inſtances of any who *thought* him unjuſtly deprived, but they were *Joannites*, and therefore ſeparated from the *Communion* of his Deprivers.

2. Nor unleſs they did believe them invalidly deprived, (that is, by an incompetent Judicatory,) as well as unjuſtly.

11. It muſt appear farther, ſecondly, That they thought him *invalidly* deprived as well as *unjuſtly*: That they know very well is *Our* Senſe of the preſent Caſe, on *which* we lay the Streſs of our Cauſe; not onely that our Biſhops are deprived for what our *Laws*, in the true ſenſe of the *Legiſlators*, did never intend ſhould be a *Crime*; but alſo that they are deprived by a *Power* that can no way pretend to a *Right of Spiritual Deprivation*; that is, purely by a *Lay-power*, without the leaſt pretence of *Eccleſiaſtical* Cenſures. This therefore they ought to prove, That, even in Caſe of a purely *Lay-deprivation*, thoſe *Eaſtern* Churches did not think fit to aſſert their *Spiritual Liberties*, againſt the *Encroachments* of the *Secular Magiſtrate*. But that ſeems more than ever their *Author* undertook, I believe than his Cauſe required. I am ſure, ſeveral of his *Inſtances* did ſuppoſe *Synodical* Deprivations; yet if they cannot ſhew this, all they ſay is utterly *impertinent* to our preſent *Diſpute*: For we our ſelves may ſay, and ſay agreeably to our own Principles, as much as their own *Author* ſays, and *perhaps* as much as he intended, if he had been living to make *Application* to our particular Caſe. We do no more ſay than he, that the *Injuſtice* of a Sentence does *null* or *invalidate* it, when otherwiſe the *Authority* by which it is pronounced is *valid* and *obliging*. Nor do we ſay, that *Subjects* are, even in *Conſcience*, free to adhere to their *Biſhop*, when the *Authority* by which he is deprived, has not onely a *Right* to conclude *them*, but to conclude *him* alſo: Yet all this is conſiſtent with the Liberty allowed by *this Author*, of withdrawing Communion from an *Heretick*. The Reaſon is this, becauſe even the Canons of the Church, to go no farther now, allow *Subjects* this Liberty to judge of their

their Biſhop's *Faith*, by a private Judgment of *Diſcretion*, and with reference to their own particular Act of Communicating, as has been ſhewn by their own Author himſelf, in the latter part of his Tract, *omitted* by Mr. *Hody*.

12. Yet this is not all that had been requiſite for their *Reaſoning* in this Caſe: It ought alſo to appear, thirdly, That the *Church* thought her ſelf at *Liberty* to deny her Adherence to an unjuſtly deprived Biſhop, even when he inſiſted on his own *Right*, and *challenged* her *Duty* from her. This is the actual Caſe of our preſent Biſhops; and of this alſo their whole Collection does not afford one ſingle Example: Yet this is the onely Caſe wherein her not adhering to him can, by any Art of equal Interpretation, be taken to ſignifie, that ſhe did not think ſuch Adherence his *due*, even in regard to *Conſcience*; otherwiſe the *Non-payment* of Debts alone, does by no means imply a belief that they are not *due*. It is certain, the Perſon to whom they are *due* may remit them, if he pleaſe; and his *not challenging* them is often taken for an Argument, that he does *remit* them, at leaſt that he does not challenge Payment *now*: It is therefore no more an Argument in ſuch a Caſe, that the *Church* does not *think* ſuch a *Duty* of *Adherence* to ſuch a Biſhop really due, than that the Biſhop himſelf does not think it ſo: For it is as conſiſtent in *them*, with an acknowledgment of *Right*, to defer the Payment till it be demanded, as it is conſiſtent with the *Biſhop's* owning it for his *Right*, that he does not as *yet* think fit to demand it. But our *Author* pretends, that by his Collection of Inſtances it appears, no *Biſhop* ever *challenged* his *Right*, if the Perſon ſubſtituted in his own place were not an *Heretick*. So indeed he ſays; but thence it does by no means follow, that they *had* no *Right*, becauſe they did not *challenge* it: Nor can it be thence gathered, but that it may be *prudent*, as well as *juſt*, for *Succeſſors* to *inſiſt* on their *Right*, though *Predeceſſors*, who thought it *juſt*, did yet not think it *prudent* to inſiſt on theirs. The Change of Circumſtances may make ſo great a Variety in the Caſe it ſelf. If it be only a *Perſonal Injury*, the Miſchief the *Church* may ſuffer by the Perſon's *defending* his *Right*, may be more than what ſhe may ſuffer by permitting a *ſingle Act* of *Injuſtice* to go unredreſſed: But in our Caſe, our Adverſaries very well know the *Injury* is more than *perſonal*. They know the old Doctrines of our *Church* are involved in the *Injuſtice* that is offered them: They may alſo know, that this *New Doctrine* of the *Validity* of *Lay deprivations* with regard to *Spirituals*, is of intolerable miſchievous conſequence, as granting to the Laity *Principles*, by which they may ruine us when they pleaſe; and that this pernicious Doctrine cannot well be oppoſed in this Caſe, but by our Biſhops *inſiſting* on their *Rights*. And they cannot ſhew but when Doctrines of ſuch conſequence were concerned, the *Biſhops* not onely *did*, but were alſo *commended* for *inſiſting* on their *Rights*. Indeed where ſuch *Doctrines* were concerned, the *Antients* would have called

8. Nor unleſs the Biſhops ſo deprived did *inſiſt* on their Right, and *challenge* Duty, as ours do.

led the Adversaries *Hereticks*, and in that case this *Author himself* allows, that *Bishops* may *judge* it to be for the *publick* Good of the *Church*, that they *challenge* their *private Rights*. Yet after all our *Author's* Pretensions in his *Title*, his Examples give a small account of the Sense of the injured Bishops *themselves* concerning their own Case, but principally pretend to tell us what *others* thought concerning it. How then can our Adversaries pretend to perswade our *present Bishops* to wave their *Right*, upon account of this Collection of *Precedents*, where St. *Chrysostom* is expresly excepted in the very *Title*, notwithstanding what is pretended from *Palladius*; and where withall there are so few examples observed in the Discourse it self, of any who did so before them?

4. Nor unless such Non-adherence was thought justifiable by Principles, and with regard to Conscience,

13. Yet, to let them see how far this *Way* of *Reasoning* is from proving the thing our Adversaries are concerned for, we may venture to give, not grant, what they neither *have* proved, nor *can* prove from the Instances here alleadged, that the *Churches* had deserted their unjustly and invalidly deprived *Bishops*, and deserted them, even whilst they *insisted* on their *Right*; I yet deny farther, That from the *naked* Matters of *Fact* they can any way conclude, even the *Judgments* of those Churches, whom we may for a while suppose to have done what our Adversaries wish they had done: For in order to the proving the *Judgment* of such *Churches*, it will be farther requisite, fourthly, That what they did, they did by *Principles* by which they thought they could *justifie* their *Facts*, at least with regard to their *own Consciences*. It is certainly no breach of *Charity* to suppose, (what Histories afford us so many Examples of,) that as numerous *Bodies* as were here concerned, even of Persons making a great Profession of *Religion*, have notwithstanding been influenced by Motives very different from what themselves professed. And it is certain, that in this *lower* Antiquity, wherein this *Author* principally deals, the *Generality* of Christians were both *ignorant* enough in true *Originals* of our Religion, to be *mistaken* concerning their Duty; and withal *wicked* enough to be *seduced* from the *Practice* of it, though they had never so throughly understood it. So easie it was for what was done, not to have been done by *Principles*, though it had been determined by the *greater* number of *Suffrages*. Who knows not that in great Bodies the *ignorant* and the *wicked* have generally the greatest *number* of Suffrages, who notwithstanding cannot be presumed to doe what they doe by any solid *Principles*? Yet who withall knows not how *few* are many times concerned in the Motions of whole *Bodies*; and how far what they do is, upon that account, from being imputable to a *Majority* of *Suffrages*? I do not now insist on the greater Numbers, who are in *Duty* obliged rather to *follow* the Conduct of others, than to shew their Opinion distinct from that of their *Conductors*: Even Spiritual *Guides*, and those in Spiritual *Authority*, are not for the *greatest* part the *best* and *wisest*; and yet the Nature of Societies requires, that the *former* able

able and *good* Men ſhould be determined by the *Majority*; that is, that they who are the moſt likely to *know* Principles, and to be *influenced* by them, ſhould be concluded by thoſe who are *leaſt skilfull* in Principles, and are withall leaſt preſumable to *act* by Principles. And in that caſe who can preſume, that the *Actings* of ſuch *Bodies* are agreeable to the *Principles* of the *Actors themſelves?* Eſpecially who can preſume it then, when the Caſes of *Ignorance* and *Inſincerity* are moſt frequent, as they were moſt certainly in many of the Inſtances here amaſſed at a great *diſtance* from the *Apoſtles*, and in great *Ignorance* of the *Originals* of *Religion*; and when withall *worldly Proſperity* had taken them off from *regarding* Principles, or being *willing* to *ſuffer* for them. The very leaſt *ſignification* of *Principles*, where they are not *expreſly* owned, is that good Men are *pleaſed* and *ſatisfied* with what they *doe*. But as this Reaſoning does onely hold in Men who are otherwiſe known to be *good*, ſo from Matters of *Fact* alone none can gather, whether the *Actors* be ſecretly *pleaſed* with what they *doe*, or whether they be not really *aſhamed* of it.

14. Thus difficult it is to conclude *Principles*, even where the Matters of *Fact* atteſted are *Actions*: But it is yet more difficult, fifthly, Where they are not *Actions* but *Omiſſions*. Such are theſe we are now diſcourſing of, whether of Biſhops *not inſiſting* on their *Rights*, or of their Subjects *not ſeconding* them when they did inſiſt on them. In either Caſe it is extremely difficult to gather, that pure regard to *Conſcience* was the true Reaſon of ſuch *Omiſſions:* That is, that when any *injured Biſhops* did not inſiſt on their Rights, the Reaſon was, that they thought themſelves *obliged* in *Conſcience not* to inſiſt on them, as being chargable with the *Schiſm*, which would follow from the Intruders maintaining their *Poſſeſſion* againſt them. And that when Subjects did *not* ſecond them in the Aſſertion of their own Rights, the true Reaſon was, that ſuch Subjects alſo did not *think* themſelves *obliged* to ſecond them, even in *Conſcience*. Many other Reaſons might have been given in both Caſes, beſides this of *Conſcience*, which our Adverſaries are concerned that it ſhould have been the only Reaſon: Many, which will by no means reach our preſent Caſe, to prove either that our *preſent* Biſhops are *obliged* in *Conſcience* by thoſe *Precedents not* to *challenge* their Rights; or that we are *not obliged*, on their callenging them, to *maintain* them in them. One Reaſon might have been the *Unactiveneſs* of their Temper naturally following from their *Monkiſh* Education, which might make them willing to be excuſed from a Life of *Labour* and *Action*; eſpecially when it might withall ſeem to have ſo many commendable Ingredients to a Mind willing to be excuſed, of native *Baſhfulneſs*, of *Modeſty*, of *Humility*, of *Self-denial* to themſelves, without conſidering on the other ſide the *publick Intereſts* that might balance them. Another might be the great *Difficulties* to be expected in *aſſerting* their *Rights*, and the great Uncertainty of the *Event*, which muſt depend upon the Concurrence of many others, who muſt all doe

5. Nor is it eaſie to gather *Principles* from *Non-actions:* Such are *not challenging Right* on the Biſhops part, or *not adhering* to them on the Subjects part.

doe their Duty, as well as themſelves, and yet could not be *depended* on. Another might be the great *Danger* to their *Perſons*, as well as the *Difficulty* of their *Deſign*, when they had to conteſt with exaſperated as well as potent Adverſaries. Theſe are the more *plauſible*, and more *pardonable* Inducements, to which might be added many more *real* though *corrupt* ones, which, to be ſure, would never be *owned* openly. It is needleſs to enumerate them *particularly*, and yet not *uncharitable* in the *general* to ſuppoſe them poſſible, till ſomething appear particularly in the *Lives* and *Principles* of the *Perſons* concerned, to believe their Caſe to have been particular. It is certain all the *Endeavours* of Biſhops to *aſſert* their own *Rights* can ſignifie nothing, unleſs they who *owe* them *Duty* will ſtand by them in it. And we know withall upon how tickliſh Points the Motions of *Multitudes* do depend, even where they are well *diſpoſed* to their *Duty*, and are particularly *ſatisfied* that the Caſe propoſed *is* ſo. *They* alſo reckon upon the *Difficulties* and *Dangers* that muſt befall each *particular*, if *all* cannot be perſuaded to move together; and that is a thing they know not how to reckon on. And thus whilſt *all* expect the *other* ſhould move *firſt*, and *each* of them is affraid of moving *ſingly*; whilſt *all* depend on a *few Examples*, and thoſe *few* are affraid of not being *followed* as *Examples*, the *Seaſon* of Motion is loſt, and no likelihood of its recovery, when their *hopes* of the *concurrence* of others is loſt, and each is to act *ſeparately*. All that *Principles* can oblige Men to, is only to *do* the thing to which they are *obliged* by *Principles*: But *affirmative* Precepts do not, as they ſay, oblige *ad ſemper*; and therefore they are not obliged to put the Duty in *Practice*, till it be *prudent*, or till the *Circumſtances* with which the Action is veſted *make* it a *Duty*: And that Men often reſolve on, who yet by ſuch Delays find that what was at *firſt* reſolved on, at *length* becomes *unpracticable*. How unreaſonable would it be thence to conclude, that they never *reſolved* on it, or that they did not think it their *Duty* to reſolve on it!

6. Nor do the Inſtances here produced prove the *Senſe* of the *Catholick* Church, but of the *Greek*, eſpecially of the *Conſtantinopolitan* Church. Nor even of that Church in the firſt and earlieſt Ages.

15. Thus very difficult this whole *Reaſoning* is, from *Inſtances* barely repreſented, to gather the *Judgment* and *Opinions* of the Perſons concerned in theſe *Inſtances*. And yet if this Point were gained, it would not ſuffice for our Adverſaries purpoſe: For it is farther conſiderable, ſixthly, That the Inſtances here collected riſe no higher than the Fourth Century, and extend no farther than the *Greek* Church; and therefore cannot pretend to argue the Senſe of the *Catholick* Church, nor of thoſe Ages which are moſt to be regarded, not onely for their *Antiquity*, but their *Integrity* alſo. Suppoſe therefore we ſhould ſo far gratifie our Adverſaries, as to give them leave to believe, that all was *proved* that is ſo much as offered at in this Collection, and proved as *ſolidly* and as *pertinently* to their *Cauſe*, as themſelves can either pretend or wiſh: This would certainly be a *great Favour*, indeed the *uttermoſt* they can hope for with regard to this Collection; yet ſtill they muſt not pretend by this Collection to one ſingle Inſtance that may ſignifie the ſenſe of the *Weſtern* Church, or conſequently of the *Catholick* Church in any one Age. Still we

are left a liberty, for any thing is said here, to challenge the Doctrine of the *Church*, as signified by her behaviour at the *first* and *ancientest* Instances of *Schism*, as making for us. And this we can do with greater Certainty and Evidence, than our Adversaries can pretend to, in their more *Modern* Cases.

16. We can say that, even in the Age of St. *Cyprian*, (which is the ancienteſt we know of that an *Antibiſhop* was ſet up againſt a Biſhop in the *ſame* See,) it is, 1ſt very notorious, that they then owned no ſuch Power of the *ſecular* Magiſtrate to deprive Biſhops of their purely *ſpiritual* Power; and that the *Church*, as a *Society* diſtinct from the *State*, ſubſiſted on their not owning it, even as to a Deprivation of their particular *Diſtricts* and *Juriſdictions*. It is notorious, and as notorious as any one Tradition of the *Catholick Church* in thoſe Ages, (not excepting that of the Canon of the *New Teſtament* it ſelf,) that *Chriſtians* then, and not only *then*, but in all the *former* Perſecutions that had been from the times of the *Apoſtles* to that very Age, did own themſelves bound to adhere to their *Biſhops*, when it was notorious withal, that thoſe Biſhops were ſet up, and maintained againſt the Conſent of the *Civil* Magiſtrate. It is as notorious alſo, that this adherence of theirs, was not only Matter of *Fact* (which is all our *Adverſaries* pretend here) but a *Duty* owned by them as *obliging* in *Conſcience*, and as the reſult of *Principles*. This appears, not only by the unqueſtionable *Sincerity* of the Chriſtians of thoſe Ages, who were generouſly influenced by no Conſiderations, but thoſe of *Conſcience*; not only by their ſuffering thoſe ſevere *Penances* impoſed on them, in order to their recovering the *Biſhop*'s Communion, even when the Magiſtrate was againſt him, which no other Conſiderations could recommend, but only thoſe of *Conſcience*: but from the *Principles* themſelves inſiſted on in the *Reaſonings* of St. *Cyprian*. Such were theſe: That all hopes of *pardon* of *Sin*, of the *Holy Ghoſt*, of *Eternal Life*, on *performance* of *Duty*, were confined to the *viſible Communion* of the *Church*; that their *viſible* Communion with the *Church* could not appear, but by their *viſible* Communion with the *Biſhop*, as the *Head* of that *Church*, and the *Principle* of its *Unity*; that who *that Biſhop* was, to whom any *particular* Perſon owed his Duty, was not then any otherwiſe diſtinguiſhable, but by the *viſible Diſtricts* in which themſelves lived, and to which he was therefore ſuppoſed to have a *Title*, whether the *Magiſtrate* would or no. It is alſo as notorious, that theſe *Reaſonings* were not then the ſenſe of *private Perſons*; but the received ſenſe of *Chriſtians* in *general*, and indeed *Fundamental* to that *Catholick Communion*, which was then maintained where-ever there were *Chriſtians*. Not only every *particular* Chriſtian of a *Dioceſs*, did thus aſſure himſelf of his *Right* to *Eccleſiaſtical Privileges*, by his *Communion* with the *Biſhop* of that particular *Diſtrict*; but he was intitled alſo to Communion with all the *other* Biſhops of the *World*, and conſequently with the *Catholick Church* in general, by the *communicatory*

The Doctrine of the *Catholick* Church in the *earlieſt* Ages may (for what appears from this Collection) be on our ſide, and indeed is ſo. 1ſt. The whole Church *then* owned no Power in the *ſecular* Magiſtrate for depriving Biſhops as to *Spirituals*, not even as to their particular *Diſtricts*.

Letters of the Biſhop of his own particular *Diſtrict*. For it was by the mutual Obligation *all* Biſhops of the *World* had to ratifie the Acts of particular *Diſtricts*, that he who was *admitted* a Member of *one* Church, was *intitled* to the Communion of *all*; and that he who was *excluded* from *one*, was *excluded* from *others* alſo; becauſe no other Biſhop could juſtifie his reception of a Chriſtian of another *Juriſdiction* to his own Communion, if he had not the *communicatory Letters* of his own Biſhop. Thus it appears, that the Obligation, even of particular *Diſtricts* without conſent of the *Magiſtrate*, was then *Catholick Doctrine*. Whence it plainly follows, that this *Lay-deprivation*, which is all that can be pretended in the caſe of our preſent Biſhops, is, in the Principles of the *Catholick Church* of St. *Cyprian*'s Age, a perfect *Nullity*, and conſequently that, in regard to *Conſcience* at leaſt, our *preſent* Biſhops are ſtill *Biſhops*, and Biſhops of thoſe particular *Diſtricts*, as much as ever, and the Obligations of the *Clergy* and *Laity* in thoſe *Diſtricts*, as *obliging* to them now as ever.

Thence it follows 2dly that *Antibiſhops* conſecrated in *Diſtricts*, no other way created than by the Power of the *ſecular* Magiſtrate, are by the *Principles* of that earlieſt *Catholick* Church, no *Biſhops* at all, but divided from the *Church*.

17. This therefore being ſo, that our *preſent* Biſhops are, by the Principles of St. *Cyprian*'s Age, as obliging Biſhops in *Conſcience* to the *Clergy* and *Laity* of their reſpective *Juriſdictions*; it will thence be as notorious 2dly, that the *Antibiſhops* of thoſe ſame *Juriſdictions*, are by the ſame Principles, to be taken for *no Biſhops* at all. It is plain, that *Novatian* was *diſowned* as ſoon as ever it appeared that *Cornelius* was *canonically* ſettled in *Fabian*'s Chair before him, and diſowned *univerſally*, ſo univerſally, that whoever did *not* diſown him, was for that very reaſon diſowned *himſelf*. This is as clear as any particular mentioned in our Adverſaries Collection. But we do not ſatisfie our ſelves with that. It is alſo further as notorious, that he was diſowned by *Principles* obliging them in *Conſcience* to diſown him, and thoſe again not *private* Opinions, but *Principles* alſo *Fundamental* to the *Correſpondence* then maintained in the whole *Catholick Church*, as the other were that we mentioned under the former Head. It was then a *Principle*, that * *Secundus* was *Nullus*, which will as much invalidate the Conſecrations of the *preſent* Antibiſhops, as it did that of *Novatian*. This is a Principle ſo univerſally acknowledged, wherever there can be but *one*, that it needs no *Authorities* to recommend it. No Man can *convey* the ſame thing *twice*: and therefore if there be *two* Bonds for the ſame thing to ſeveral Perſons, the 2*d* can never be *thought obliging*, but by *ſuppoſing* the *Invalidity* of the 1*ſt*. So alſo in all *Monarchical Diſtricts*, none can ſuppoſe an *Antimonarch*'s Title good, till he has ſhewn that the *firſt* Monarch's Title is not ſo. Thus this *Principle* needed no *Authority*, and yet it had *all* the *Authority* of the whole *Catholick Church* of *that Age*. The whole *Collegium* of *Catholick Biſhops* (that is St. *Cyprian*'s Term) gave their *Communicatory* Letters, not to *Novatian*, but *Cornelius*; and received none to their *own* Communion on the *Communicatory* Letters of *Novatian*, but only on thoſe of *Cornelius*. And that upon this ſame common *Principle*, that *Cornelius* being once *validly Biſhop* of *Rome*, *Novatian*

* *Epiſt.* 51. *ad* Antonianum, in the *Oxon Edition* of St. *Cyprian*.

Novatian could never be a Biſhop of that *ſame Diſtrict* without the *Death*, or *Ceſſion*, or *Deprivation* of *Cornelius*; and that ſuppoſing him no Biſhop of *that place* to which he was conſecrated, he could be no *Biſhop* at all. So far they were then from our late Fancy of a *Biſhop* of the *Catholick Church* without a particular *Diſtrict*. Had they thought ſo, they might have ratified *Novatian*'s Acts as a *Biſhop*, becauſe he had received his *Power* from *Biſhops*, though not as Biſhop of *Rome*. Comparing the *Catholick Church* to a *Fanum* or *Temple*, he was *Profanus*, as not being *in* the Temple, nor having a *Right* to enter into it. Comparing it to the *Houſe* in which the *Paſſover* was to be eaten by the *Jews*, he was *Foris*, not *in* that Houſe, *in* which alone the *Paſſover* was to be *eaten*. Theſe were the Notions of St. *Cyprian*, and were by him and his Colleagues underſtood of the *Catholick Church* in general, when they all ſuppoſed *Novatian* out of the *Catholick* in general, by being out of that *particular* Church of *Rome*, of which he had formerly been a Member. Juſt as in ordinary *Excommunications*, they alſo always ſuppoſed, that he who was by any Act of *obliging Authority* deprived of his *Right* to his own *particular Church*, had alſo loſt his *Right* thereby to all the *particular* Churches in the World. And they alſo ſuppoſed *Novatian* to have caſt himſelf *out* of his *own* Body, by aſſuming to himſelf the name of a *Head* of that *Body*, which already had a *Head*, and could have no more than *one*. And theſe *Notions*, and this *Language* of St. *Cyprian*, were ſuppoſed and owned *univerſally* by the whole *Body* of the *Catholick Biſhops* of his Time, when they acted conſequently to them, and took them for the Meaſures, by which they either *granted*, or *refuſed* their *own Communion*. Nor is it to be thought ſtrange, that theſe Notions ſhould be *received*, and received *univerſally*, not as the *Opinions* of *private Perſons*, but as the *publick Doctrine*, and *Fundamental* to the *Catholick Communion*, as practiced, not only in *that* early Age of St. *Cyprian*, but as derived from the *Apoſtles* themſelves, and the very firſt *Originals* of *Chriſtianity*: For theſe were not, as *private Opinions* uſually were, only the reſult of *private Reaſonings*; they were received as the *Fundamentals* of *Chriſtianity*, which were not as *new Revelations* generally were from the like Notions received among the *Jews*, and among them received not as *private Opinions*, but as *publick Doctrines*, and *Fundamental* to the then practiſed *Sacrifical Communion* of the then *peculiar People*, and only *thence* deduced (as other things alſo are, in the *Reaſonings* of the *New Teſtament*) to the Caſe of the new *Myſtical Peculium*, and their new *Myſtical Sacrifices*. The Language of erecting *Altar* againſt *Altar* in St. *Cyprian*, is derived from the like earlier Language received among the *Jews*, concerning the *Samaritan Altar* of *Manaſſes*, againſt the *Jeruſalem Altar* of *Jaddus*, that is of a *High Prieſt* againſt a *High Prieſt*, when God had appointed but *one* High Prieſt in the whole World, and *Him* only at *Jeruſalem*. And it is alſo plain, that the *Body* of the *Jews* did look on ſuch *Schiſmatical High Prieſts*, and all their *Communicants*, as cut off from

the Body of their *Peculium*, and consequently from all their *publick Sacrifices*, and all the *Privileges* consequent to them. Why should we therefore think it strange, that the *Apostolical Christians* should have the like Opinion of them, who set up themselves as *opposite Heads* of their *Mystical Sacrifices*?

And 3dly, that all who professed themselves one with *Novatian* so *divided* from the *Church* were (in consequence to the same Principles) *themselves divided* also. St. *Cypr.* Epist. 43 Edit. Oxon.

18. But this is not all. It *is* further as notorious, 3dly, that all who any way professed themselves *one* with *Novatian*, were for that very reason of their doing so, taken for *divided* from the *Catholick Church*, as well as he was with whom they were *united*. Here also the reason was very evident, that he who *professed*, and, by publick Profession, *made* himself *one* with a Person *divided*, must, by the same *Analogy* of *Interpretation*, profess himself *divided*, and by that very *profession*, actually *divide* himself also, by making himself *one* with the Person suppos'd to be *divided*. Nor was this *reason* more evident, than universally *acknowledged* in the *Discipline* of that Age. All such *Uniters* with the *Schismatick*, were refused to be admitted to Communion, not by *particular Bishops* only (as the Case would have been if the *Opinion* had been *singular*) but by *all* the *Bishops* of *one Communion* in the World.

And 4thly, that all who were *united* with *Novatian*, and by consequence *divided* from the *Church* of the *Roman* District were (in the *Discipline* of that early *Age*) look'd upon as *themselves divided* also from the *Catholick Church*.

19. Not only so: But it is also as notorious, 4thly, from the *Practice* and *Discipline* of that Age, that all whom they looked upon as *united* with *Novatian*, they consequently looked on as *divided* from *themselves*. To be sure in the first place, those who had any hand in his pretended *Consecration*, which were principally and particularly reflected on by *Cornelius* in his Epistle to *Fabius* of *Antioch*. Nor would his *People* be receiv'd to Communion by any *Catholick Bishop* on the *Communicatory* Letters of *Novatian*, and they could expect none from *Cornelius* whilst they were divided from him. Thus *all* his *Subjects* came to be involved, as well as *himself*. But that which was highest of all, was, that even *Bishops* were supposed to have divided *themselves* from their *Brethren*, if they *communicated* with *him*; that is, if, according to the custom of that Age, they either *gave* communicatory Letters *to him*, or *receiv'd* any to their *own* Communion on the like Communicatory Letters received *from him*. This appear'd plainly in the Case of *Martian* of *Arles*, who was, on this very account, *denied* the Communicatory Letters of his *Brethren*; and would, no doubt, have appeared also in the Case of *Fabius* of *Antioch*, if he had proceeded so far. And this does plainly suppose, that such *Bishops* also had cut *themselves* off from *Catholick Communion* by their *own* Act. Especially according to St. *Cyprian*'s Principles, who makes every Bishop in his *own District*, supreme and accountable to none but God; and therefore obnoxious to no *superiour Jurisdiction*. And by this means it also appeared, to have been more than a *private Opinion* in that Age, when even no *Bishop* could be permitted in the *Communion* of his *Brethren*, if he dissented from them in this particular. Thus, to make application to our present Case, all the *Bishops* will be involved, who *Communicate* either

either with the *Principal Schismaticks*, or the *Schismatical Consecrators*. And this will also take in, by the same Principles, all *Communicants* with such *Bishops*. For when the *Bishop* was refused *Communion*, the effect of such refusal was, that none should thence forwards expect to be received to the *Communion* of those who had refused him, on *his* Communicatory Letters; and no other Communicatory Letters could be hoped for, whilst they *continued* in *Communion* with *him*.

20. And then, 5thly, It is also as notorious, on the same Principles of St. *Cyprian*'s Age, that such *Schism* from the *visible Communion* of the *Catholick Church*, was also supposed to deprive the Person so *divided* of all the *invisible Benefits* of *Church Communion*. God was supposed obliged to ratifie in *Heaven*, what was done by those whom he authorized to represent him on *Earth*. He avenged the Contempts of his *Ministers*, and would not be a *Father* to those, who would not own his *Church* for their *Mother*, by paying her a *Filial* respect. They were not to expect any *pardon* of their *Sins*: They could not hope for the *Holy Ghost*, who dissolved the *Unity* of the Spirit: They were uncapable of the Crown of *Martyrdome*, whatever they suffered in the state of *Separation*. This is the result of many of St. *Cyprian*'s Discourses on this Argument: And indeed it is very agreeable with the *Design* of *God*, that they who cut themselves off from the *Peculium*, should by their doing so, lose all their pretensions to the *Rights* and *Privileges* of it. Not only so, but that they should also incur all the *Mischiefs* to which they were supposed liable, who had lost their *Right* of being Members of the *peculiar People*. Accordingly as they believed all Persons, at their first *admission* into the *Church*, to be turned from *Darkness* to *Light*, and from the Power of *Satan* unto *God*; so upon their *leaving* the *Church*, or their being cast *out* of it by the judicial Act of their *Superiours*, they were supposed to return into the state of *Heathens*, to lose the *Protection* of those *good Spirits* who minister only to the *Heirs* of *Salvation*, and again to relapse into their former condition of *Darkness*, and being consequently obnoxious to be infested by the *Devil*, and his Powers of *Darkness*. And that this was so, appeared by several ordinary Experiments in those earlier Ages, not only of the *Apostles*, but that also of St. *Cyprian*, who has many Examples of it in his Book *de Lapsis*. And this confinement of the *Spiritual Privileges* of the *peculiar People* to the *External Communion* of the *Church*, as it was *Fundamental* to their *Discipline*, so it was *rational* consequently to their other *Principles*. God was not thought *obliged* to *confer* those *Privileges*, but by the *Act* of those whom *himself* had *authorized* to oblige him: But *Dividers* were supposed not to belong to that *Body* to which the *Promises* were made; and ambitious *Intruders* into *other* Men's Offices, could not in any Equity pretend to have their Acts ratified by *God*, from

And 5ly, that all who were (on these Principles) thought *divided* from the *visible Communion* of the *Catholick Church*, were also (on the same Principles) thought *deprived* of all the *invisible benefits* of *Church Communion*.

Vid. St. Cyp. de unitate Eccl. Ep. 49. *Edit. Ox. Ep.* 52. 54. 55.

whom they could not be ſuppoſed to receive any *Authority*, when they did not *receive* it by the *Rules* and *Orders* of the *Society* eſtabliſhed by him. Theſe things were then *believed*, and believed *univerſally*. Indeed nothing but an univerſal Belief of them would have maintained that *Diſcipline*, which was then obſerved in the *Church*; could have obliged them *generally* to *ſuffer*, as they did then, the ſevereſt Inflictions from the *Magiſtrate*, rather than incurr the much more feared Diſpleaſure of their *Eccleſiaſtical Superiours*. When we are alſo of the *ſame Mind*, and alike influenced by *Principles* and Regard to *Conſcience*; then indeed, and then alone, we may pretend to be a Poſterity not degenerous from the great Examples of thoſe glorious Anceſtors: Then it will not be in the Power of *Acts* of *Parliament* to drive us from our *Principles*, and bring a Scandal on our *Religion*: Then where our *Biſhops* follow Chriſt, we ſhall follo*w them*, and it will not be in the *Power* of the *Worldly Magiſtrate*, or the *Gates* of *Hell* it ſelf, to prevail againſt our *Church*, and to diſſolve the *Union* between us: Then *Magiſtrates* themſelves will be more wary of involving *Conſciences* on occaſion of their little *Worldly Politicks*; at leaſt they will not pretend *Religion*, and the *Religion* of that very *Church* which *ſuffers* by them for doing ſo. May we live at length to ſee that happy day! However it will hence appear how impoſſible it will be to excuſe our Adverſaries preſent Caſe from *Schiſm*, if it be tried by that *Antiquity* which we do *indeed profeſs to imitate and alledge*.

† Theſe Doctrines of the *Catholick Church* in St. *Cyprian*'s Age, were alſo *Doctrines* of the *Catholick Church* in the Age of *Optatus* and St. *Auguſtine*.

21. †Now in this Caſe I am diſcourſing of, I have purpoſely ſelected the Inſtances of St. *Cyprian*'s Age rather than any other, not only becauſe they are the *ancienteſt*, indeed the *firſt* we know of, of one Biſhop's invading another's Chair not vacant; but becauſe we have withal in him the moſt diſtinct account of the *Senſe* of the *Church* in *his Age* of ſuch *Facts*, and of the *Principles* on which they proceeded in condemning them. He had occaſion given him to be ſo *diſtinct* by two *Schiſms*, one of his *own Church* in *Carthage*, where *Feliciſſimus* was ſet up againſt *himſelf*, another (that I have principally inſiſted on) of *Novatian* ſet up againſt *Cornelius* in *Rome*. On theſe Occaſions he has written one juſt *Diſcourſe*, beſides ſeveral *Epiſtles*. But theſe Principles were not *ſingular* and *proper* to that *Age*, they deſcended lower, and are inſiſted on by *Optatus* and St. *Auguſtine* in their Diſputes with the *Donatiſts*, whenever they diſpute the Queſtion of their *Schiſm*, without relation to their particular *Opinions*.

* Till our Adverſaries can diſarm us of the *advantage* we have from the *Doctrine* of the *Catholick Church*, ſignified on occaſion of theſe *earlieſt* Inſtances of *Schiſm* in St. *Cyprian*'s Age, their *Authors Collection* of *later* Inſtances, were it never ſo *pertinent* to their purpoſe, can do them no *Service*.

22. *And now what can our Adverſaries gain, though we ſhould grant them all they can aſk concerning their *Collection*, till they be able to diſarm us of theſe *earlier Authorities*, neither mentioned, nor perhaps ſo much as thought of, by their Author? Till they do ſo, we have all the *Advantages* againſt them that our *Cauſe* does *need*, or we *deſire*. They give us a bare *Collection* of *Facts*, without any other

Evi-

Evidence of the *Principles* on which they were tranſacted than the *Facts themſelves*: We give them here a contrary *Fact* of Perſons of *unqueſtionable Sincerity* to *Principles*, and not only ſo, but the *Principles* themſelves on which they proceeded, acknowledged by the Perſons *themſelves*. They give us Facts of the *Greek Church* only: We give them *one*, wherein the ſenſe of the whole *Catholick Church* appeared, not of the *Greeks* alone, but of the *Latines* alſo. They give us thoſe of *Modern*, of *Barbarous*, of *Divided* Ages, wherein the great Bodies of the *Eaſtern* and *Weſtern* Churches were *divided* in *Communion*, the *Eaſtern* Churches particularly, (within which their Inſtances are confined) into *Neſtorians*, and ſeveral ſubdivided Sects of *Eutychians*; who yet, if they had been more *unanimous*, were otherwiſe no very competent *Witneſſes* of *Apoſtolical Tradition*, not only in regard of their *Age*, but their *Corruptneſs*, their *Unskilfulneſs*, their *Credulity*: We here have given them the ſenſe of the *Church*, in an Age wherein her Teſtimony is every way unexceptionable, wherein ſhe had certain means of *knowing* the *Truth*, and withal *valued* it as it deſerved. Even there we find the *Principles* now mentioned *univerſally received*, and univerſally received as the *grounds* of that univerſal Catholick Communion, which ſhe had received by an uninterrupted Tradition from the *Apoſtles* to that very Time. Even *there*, I ſay, we find them received, where nothing *could* have been received *univerſally* that had been an *Innovation*. In ſo ſhort a time it was hard to bring in Variations from the *Primitive Rule*, and harder yet that *all* the *Churches* could have been *unanimous* in them, if they had been *Variations* as *Tertullian* reaſons in his *Preſcriptions*; eſpecially when there was no *Univerſal Authority* received over the whole *Catholick Church* that could induce them to it. From the Time of *Trajan*, the Succeſſion of our Saviour's *Family* failed in the Church of *Jeruſalem*, to which all *particular Churches* paid a deference. From the Time of *Hadrian*, there could be no pretence for *that Church* above others, when it conſiſted not of *Jews*, but *Greeks* and *Romans*. What was there therefore that could make them unanimous in *Variations*, and Variations of ſuch *Importance* as this had been? They had then no *General Councils*: And the abſolute *Supremacy* of *particular Biſhops* in their proper *Diſtricts*, is by none maintained more expreſly, and more zealouſly than by St. *Cyprian*, with particular regard to all other Powers, that in later times have pretended to oblige *Biſhops*; that is, to *Councils*, and the Biſhop of *Rome*. This *Catholick Communion*, grounded on the common *Intereſt* of *all* the *Biſhops*, to have all their *Acts* of *Diſcipline* in their particular Diſtricts, *ratified* over the whole *World*, might have brought in other things that were *conſequential* to theſe common Intereſts. But there was nothing *antecedent* that can be imagined, that could have brought in this *Catholick Communion* of *theſe times*, among ſuch a *multitude* of *abſolute* and *independent* Societies, as the *Churches* were *then*, if it had not been brought in from their very

firſt

first *Originals*. And yet these Notions we were speaking of, were *Fundamental* to that *Catholick Communion* it self, as managed in those *earlier Ages*. Let them therefore make their uttermost advantage of those Instances, which our Adversaries call *Precedents*, in *later Ages*. This is however plain: If they be not found *inconsistent* with these *earlier Instances*, they can make nothing *for* their purpose: If they be; yet none can doubt, but that *later* Deviations, how numerous soever, are to be *over-ruled* and *concluded* by the *Precedents* of these *first* and *earliest* Instances, not so much as mentioned by their *Author*.

6ly, This *Author* himself allows a *Separation* in Case of *Heresie*. And with that our Adversaries are chargeable, 1st, as they do not only *separate*, but *justifie* their Separation by *Principles*.

23. Yet after all, though we should admit that this *Author* had been successfull in all that he has attempted; we may yet justifie our *adherence* to the *deprived* Bishops, and our *Separation* from their *opposite Altars*, and justifie it too by the *Doctrine* of their own *Author*: For, 7thly, Even he permits a *Separation* where *Orthodoxy* is concerned, and expresly *excepts* this Case, from the number of those which he pretends to confute. An *Heretical Bishop* he calls a *false Bishop*, a *false Teacher*; and tells us that they who *separate* from such, do not *divide* the *Unity* of the *Church* by *Schism*, but endeavour to *free* the *Church* from *Schisms* and *Divisions*. These are his *own* Words in the *Conclusion* of his *Discourse*. I easily foresee this *Charge* will seem *new* and *surprizing* to our Adversaries; and yet I cannot see how they can secure themselves against it. St. *Augustine* observes, that *Schisms* generally end in *Heresie*: That is the natural consequence of *defending* it as our Adversaries do, by *Principles*. A single *Act* of *Undutifulness* to *Superiors* will in course pass away with those who are guilty of it; so that *Posterity* will not be concerned in it: But when it is defended by *Principles*, it turns into *false Doctrine*, and *Doctrine* of that pernicious Consequence, that the *Church* is obliged to take notice of it, as she will be faithful to her Trust, in securing her *Body* from the *like* Divisions for the *future*. Thus the *Donatists* took the first occasion for their *Schism*, from the pretended *personal* Faults of *Cecilian* and his *Ordainers*. This, whilst it was a *particular Case*, went no farther than that *particular Schism*: But when it turned into a *general Doctrine*, that *personal* Faults were sufficient to justifie *Separation*; then it laid a Foundation of *frequent Schisms*, as often as any *Criminals* got into Places of *Trust*, and either *Evidence* was *wanting*, or *themselves* too *powerful* to be contested with: Then it concerned Ecclesiastical Governours to *condemn* this Doctrine, that encouraged even Men of *Conscience* to divide designedly and frequently. And when that Doctrine was thus condemned by the *Church*, and was notwithstanding maintained by the *Donatists* as a *Principle* on which they subsisted as an *opposite Communion*, it then became a *Character* of a *Party* to maintain it, and from that time forward the *Donatists* were reckoned among *Hereticks*, as well as *Schismaticks*: For this was the true Notion of *Heresie* in those Ages, as contradistinct from *Schism*: Both of them supposed a *Division of Communion*

munion, or *tended* to it. But that *Division* was called *Schism*, which only broke the *Political Union* of the *Society*, without any difference of *Principles*; as when *Thieves* or *Robbers* transgress their Duties without any pretence of *Principles* authorizing them to do so. So whilst *Resentment* alone was the reason that made *Subjects* separate from the *Communion* of their Ecclesiastical Governours, or whilst *Ambition* alone made any to invade the Office of his *Bishop*, and to erect an *opposite Communion*; this was *Schism* properly so called as *contradistinct* from *Heresie*. but when the *Schism* is patrorized by *Doctrines*, and *justified* as well done, and consistently with *Conscience*; such *Divisions*, besides their being *Schismatical*, were *Heretical* also in the sense of the *Ancients*, and such *Doctrines*, as *Characteristical* of a distinct *Communion*, were properly called *Heresies*. On this account the same *Doctrine* of the Original Identity of *Bishops* and *Presbyters* was no *Heresie* in St. *Hierome*, who notwithstanding kept Communion with the *Bishops* of the *Jurisdictions* he lived in; and yet was *Heresie* in *Aerius*, when upon account of that pretended *Identity* he presumed to pay no more *Duty* to the *Bishops* of the respective *Jurisdictions*, than he would have done to single *Presbyters*. This is the most agreeable account of the *Heresies*, not only in *Philastrius*, but in other more judicious Collectors of *Catalogues* of *Heresies*. And it is very agreeable with the Notion of that Term among the *Philosophers*, from whom the *Christians* derived it. All *Notions* that were *proper* and *characteristical* to *particular* Schools among them made *Heresies*, not those which were received in *Common* among them. Answerably whereunto those *Differences* only of *Opinion* made *Heresies* in the *Church*, which were the *Notes* of different *Communions*, not those which went no farther than *Speculation*.

24. I am very well aware how *surprizing* this will be to those who, upon *Popular Opinions*, have been used to believe no Opinion *Heresie* that was not against *Fundamentals*. But if they will for a while lay aside their *Prejudices*, they will possibly find this as *slightly* grounded as many other *Popular Opinions* are. The very distinction between *Fundamentals* and *Non-Fundamentals*, is not, that I know of, ever taken notice of by the *Primitive Christians*, either in the *same* or in *equivalent* Terms. And if a Person will needs make a *breach* on account of an *Opinion*, it rather *aggravates*, than *diminishes* his Guilt, that the *Opinion* is of *little* consequence: His own *Will* is more concerned in it; that is, his *Agency*; and he is therefore *more* a *Heretick*, and as *Hereticks* were, more *self-condemned*, *Tit.* 3. 2 if, even in his own *Opinion*, the Matter for which he *separates*, be not of any considerable *Importance*. Even a *Truth*, and a *Truth* that has great *Evidence* of its being so, may make a *Heresie*, if it be no way *conducive* nor *disadvantageous* to the good of *Souls*; and yet the Person who maintains it, will by no means endure *Communion* with those who are of another Mind. He might have more *pretence* of *Zeal*, though mistaken, if the Mistake on the *Church's* side did indeed concern

Separation on account of Opinions, is by so much the *less* excusable if the *Opinions* be not *Fundamental*.

Souls, and seemed, at least, of *dangerous consequence* to them. When he has not even *that* to pretend for himself, who can impute his *breaking* on such accounts to any other *Original* than an assuming *Imperiousness* of Temper, and a love of *Contention*, which we generally acknowledge to be the principal *Ingredients* of *Heresie*? Certain it is, that such a *breach* for *Opinions*, though *true*, yet of *no consequence*, is highly culpable, and *destructive* to that *Unity*, which Christ designed for his *Church*, and the more culpable for that very reason, that the *Opinion* is of *little consequence*. Yet it cannot properly be called *Schism*, which is only a *breach* like those which fall out frequently in *secular* Affairs, when Men fall into *Parties*, on account of a Temper *ungovernable*, or *ambitious*, without any proper difference of *Opinion* and *Doctrine*. And it being no *Schism*, what can we call it in the *Discipline* of the *Church*, if it be not *Heresie*?

Such Opinions then *begin* to be *Heretical*, when they cause an *actual Separation* as the *Latitudinarian Opinions* do now in our *Adversaries*.

25. These *Opinions* therefore which are not otherwise *Heretical* on account of the *Nature* of the *Opinions* themselves, do then *begin* to be *Heretical*, when they begin to be *characteristical* of *distinct Communions*. And that they *do*, not only when Men *designedly* separate from others on that very account because they are not of the same *Opinions*; but also when they venture on such *Practices* on account of their singular *Opinions*, wherein others cannot *communicate* with them, for that very reason because they cannot *join* with them in those their singular *Opinions*. Then plainly the differing in such *Opinions*, makes a difference of *Communion* unavoidable; and therefore the *Opinions* themselves, in such a Case as this is, are *Signals* of different *Communions*, which will come under the charge of *Heresie*, as *contradistinct* from *Schism*, in the Notion now described of the *Primitive Church*. Thus, had St. *Hierome* proceeded as far as *Aerius* in the *Practice* of his *Opinion* concerning the Original *Identity* of *Bishops* and *Presbyters*, and had thereupon broken himself off from his *Duty* to the *Bishop* of the *Diocese*, and by that means either *made* or *countenanced* a *Schism*, which he had never countenanced but on account of this *Doctrine* of his which he held in Common with the *Aerians*, that Doctrine had then been *Heresie* in *him*, as well as the *Aerians*. So also *Opinions* do then begin to be *Treasonable*, when they are *actually* productive of *Treasonable Actions*: Thus *Latitudinarian* Opinions in the *Church*, do always *weaken* or *dissolve* the *Obligation* in *Conscience* to maintain the *Church* as a *Society* in a time of *Persecution* from the Civil *Magistrate*; yet *till* that *Case* fall out, and when *Interest* lyes on the *Church*'s side, they often still *keep* one *Communion* who are for such *Opinions*, and may *continue* in it while there are any *other* Inducements to keep them in it besides those of *Conscience*. Only it may perhaps be fit to be considered whether it be prudent to *trust* such Persons with the Management of the *Government* of the *Church*, who have no *Obligation* of *Principles* or *Conscience* to maintain it as an *independent Society*, or to *suffer* for it, that is, indeed who are never likely to maintain it in that very Case which was most in our *Saviour's* and the *Apostles* view; that is, of a

Persecution

Perſecution. But when they actually *divide* that *Communion* which they were never *obliged* in *Conſcience* to maintain, if they took the utmoſt liberty their *Latitudinarian Principles* would afford them; and when their *lax Principles* are the very *grounds* of their *dividing* the *Communion* without any remorſe of *Conſcience* for doing ſo; when they are hereby emboldned to *do* thoſe things which inevitably *cauſe* a *breach* from thoſe who cannot follow them in theſe very *Principles*: This is the Caſe wherein theſe *Principles* are *Characters* of a *diſtinct Communion*; and therefore, by the Reaſoning now mentioned, become *Heretical*: Eſpecially the *Principles* being withal *falſe*, not only in the *Opinion* of thoſe from whom they have divided themſelves; but alſo of our earlieſt pureſt *Anceſtors*, even thoſe of the *Apoſtolical* Age it ſelf.

26. Yet I deny not but that in this Caſe of *Hereſie*, there is alſo regard to be had to the *momentouſneſs* of the *Opinion* it ſelf. Whoever *ſets up* or *abets* a *Communion* oppoſite to that of the *Church*, on account of *Opinions*, is, as I have ſhewn, in the Judgment of the *Primitive Church*, an *Heretick*; and is the *more*, not the *leſs* ſo, if the *Opinions* be alſo *frivolous*. But for *ſuch* Opinions the *Church* would never have driven him out of her *own* Communion, if himſelf had been pleaſed to have continued in it. Her *Judiciary Cenſures* ought, no doubt, to be confined to *Opinions Fundamental* and of great Importance; eſpecially, if an *internal Aſſent* be required, and that under pain of *Excommunication*. Yet let not our Adverſaries flatter themſelves as if they were ſecure from the charge even of *this* Notion of *Hereſie*, as it ſignifies an *erring*, even in *Fundamentals* alſo. I know very well, Men have hitherto conſidered the *Church* rather as a *Sect*, than as a *Society*; and have therefore uſually had no regard to the *Doctrines Fundamental* to it as a *Society*, if they did not withal concern it as a *Sect*, and *Antecedently* to its being a *Society*. But there ſeems very little Reaſon for their doing ſo, if they will be pleaſed impartially to reflect on it. It is very true, its Notion as a *Sect* is *antecedent* to its being a *Society*, becauſe it is a *Society* into which Men find themſelves obliged to enter by the *Doctrines* they muſt be ſuppoſed to believe, if they own it as a *Sect*. But even thence it appears, that the *Doctrines* which concern it as a *Sect*, do withal make it *neceſſary* it ſhould be a *Society*. Theſe two Conſiderations therefore are by no means to be ſeparated. Nay it hence appears, that the *Doctrines* conſtituting it as a *Sect*, do alſo by a near, and unavoidable, and evident *Conſequence*, make it a *Society*. Thus therefore the *Fundamentals* of its being a *Society*, will be included in that *Syſtem* of *Doctrines* which concern it as a *Sect*. And then what Matter is it that *one* of theſe *Notions* is *antecedent* and the *other conſequent*? Thus much at leaſt will follow, that there is no *ſubverting* it as a *Society*, without *ſubverting* it alſo as a *Sect*; becauſe thoſe very *Doctrines* which make it a *Sect*, do alſo conſequently oblige it to be a *Society*. For my part I believe thoſe *Doctrines* of

2. Even as *Hereſie* ſignifies an *error* in *Fundamentals*. The *Church's* being a *Society* is a *fundamental Doctrine*.

of the *Trinity* and *Incarnation*, which all who believe any *Fundamentals* proper to the *Chriſtian* Religion as *revealed* by God, do reckon among *Fundamentals*, not to have been revealed for *Speculation* only, but purpoſely to oblige Men to *unite* in it as a *Society*. The *Unity* in *Trinity*, which is the principal thing inſiſted on in the *Doctrine* of the *Trinity* as *revealed* in the Scripture, was purpoſely to let Men ſee the *Extent* of the *Myſtical Union* to which they were intitled by the *External Union* with the *viſible Church*, that by partaking in the *Orthodox Communion*, the Κοινωνία mentioned by St. *John*, they had alſo a Κοινωνία with the *Father* and the *Son*, 1. *John* 1. 3. For it was manifeſt they muſt alſo partake of the *Spirit*, becauſe he who had not the *Spirit* of *Chriſt* *was none of his*. It was therefore ſuppoſed that by partaking of the *Trinity* we are made one *Myſtically*, and that by being *united viſibly* to the *Church*, we are intitled to that *Myſtical Union*. So whoever is united *viſibly* to the *Church* is thereby, if he be not wanting to *himſelf* in due *Conditions*, united alſo *Myſtically* to the *Trinity*; and that whoever is *divided* externally from the *Church*, is thereby alſo *diſunited* from this *Communion* and *Union* with the *Trinity*. And what more prevailing Inducements could be thought of to *oblige* Men to keep in a *Society*? So alſo the deſign of the *Incarnation* was, by *Chriſt*'s taking upon him our *Body* and our *Fleſh*, to make *us* alſo *one Body* and *one Fleſh* with *him*, thereby to entitle our *Bodies* to a *Reſurrection*; but then our being *one Body* and *one Fleſh* with him, depended on our being *Members* of the *Church*, which is called *his Body*, *his Fleſh*, *his Bones*. We were to be *baptized* into this *one Body*, and *become* one *Body* by partaking of *one Bread*. Which plainly ſhew that all the *benefits* of the *Incarnation* are derived to us by our partaking of the *Sacraments*, and therefore by our *adhering* inſeparably to them who alone are *authorized* by God to *adminiſter* them. Thus plain it is that thoſe very *Fundamentals* of our revealed Religion as revealed, are revealed and deſigned for *this purpoſe* of making the *Church* a *Society*. How can therefore our Adverſaries make theſe Doctrines *Fundamental*, if this be not *Fundamental* alſo, that the *Church* was by God deſigned to be a *Society*?

It is at leaſt fundamental as to us, and as to all *Benefit* we can pretend to by being *Members* of the *Church*.

27. This at leaſt is certain, that we are *intitled* to all the *Benefits* of our *Religion*, by our owning the *Church* not only as a *Sect*, but as a *Society* alſo; and that though we *believe* all its *Doctrines* as it is a *Sect*, yet if we be *divided* from it as a *Society*, that *Belief* alone will not ſecure us a Title to any of the *Benefits* of our Religion. *Excommunicates*, however *Orthodox* in their *Opinions*, were never ſuppos'd, in the *Diſcipline* of the *Church* to have any *actual Title* to the *Benefits* of Religion, if they perſiſted *wilfully* in that *ſtate* of *Excommunication*. The ſame I have already obſerved concerning the Caſe of *Schiſmaticks*, on the *Principles* of the early Age of St. *Cyprian*. Hence therefore it appears, that this *Notion* of the *Church* as a *Society*, whatever it be in it ſelf, is at leaſt *Fundamental* as to *us*, in order to our partaking of any of the *Benefits* of Religion: That is, indeed it is *Fundamental* to all intents and purpoſes that we can think worthy

thy our Enquiry. Without this, the other Notions, if any be, will never be *beneficial* to us. So that whatever those other Notions may be in order of *Reasoning*; yet this Notion of the *Church* as a *Society* must be *Fundamental* to *them* in order to their being *beneficial*; that is, as far as we have any reason to concern our selves for them. These things ought certainly to be taken for *Fundamental* as to the *Discipline* and *Censures* of the *Church*. She ought certainly to be most *concerned* for those things that are most *influential* on the Interests of *Souls*; and those are so whose *Belief* is most *beneficial*, and their *Disbelief* most *hurtful* to those most valuable *Interests*. I cannot therefore see why she should not think *Doctrines* of this kind *Fundamental*, and reckon them among those *Fundamentals* on which she ought to lay out her *principal* Care. If therefore she ought to *excommunicate* for any *Errors* at all, certainly she ought in the *first* place to do it for Errors so *destructive* of all *Obligation* to her *Communion* it self, and of her *Authority* of *Excommunicating*; that is, indeed so destructive to all that *power* she has either for the preservation of *Truth*, or the prohibition of *Error* in general. And if she ought not to inflict her *Censures*, at least these *highest* of them, for any *Errors* but those which are *Fundamental*; it will plainly follow, that Errors of this kind must be reckoned for *Fundamental* ones. Our Adversaries would have *Errors* in *Fundamentals* punished, and punished as a *Spiritual* Crime by a purely *Spiritual* Authority; but they do not, in the mean time, seem to be aware how *Fundamental* this very Notion of the *Church*, as a distinct and spiritual *Society*, is to its having any *Authority*, or *Power* to *punish*, so much as *spiritually*. All they can do as a *Sect*, is only to *reason* with *Heretick*s concerning their *Errors*, and all the *means* to *reduce* them are those *reasons* which can no farther prevail with them than as they may *seem* convictive in the *Judgement* of the *Heretick*s themselves. But on *that* account they stand on *even* Terms with the *Heretick*s, whose *Reasons* ought likewise to take place with the *Ecclesiastick*s, so far as *they* also are in *Conscience* convinced by them. A true *Authority*, and a Power of *punishing* refractory Persons by *excluding* from *Communion*, do *Fundamentally* suppose a spiritual *Society* over which they are to *exercise* this *Authority*, and from which Delinquents are to be *excluded* by spiritual Censures and *Excommunications*. How can they therefore avoid reckoning those *Errors* from being *Fundamental* ones as *punishable* by a *spiritual Authority*, which ruine *Fundamentally* that very *Authority* by which such Errors are to be *punished*; which destroy the *Society* on which that *Authority* is grounded *Fundamentally*?

The *Intruders* cannot be defended to be *valid Bishops*, but by *Principles* fundamentally *destructive* of the *Church*, as a *Society* distinct from the *State* in a time of *Persecution*.

28. If therefore *Errors* that destroy the very *Being* of the *Church*, as a *Society* be *Fundamental*, I cannot for my part fore-see how our Adversaries can excuse their *Anti bishops*, and all that own them, by *Principles*, from erring *Fundamentally*. Their being *Bishops* supposes such *Doctrines* as, if they be once admitted, make it impossible for the Church to subsist as a *spiritual Society* whenever the *State* is pleased to *persecute* it. They cannot possibly

Possibly be supposed *Bishops* of those *Dioceses* to which they are consecrated, till it first be supposed that their *Predecessors* are *validly* deprived, and consequently that the Sees are *vacant* in *Conscience*. If it should prove otherwise, the *Clergy* and *Laity* of those same *Jurisdictions*, will still be obliged in *Conscience*, as much as ever, to *adhere* to their *Canonical Bishops* till they be *Canonically deprived*, and to *disown* such *Intruders* as are put over them, not only without any *Canonical* Procedure, but without any *Authority* also that can oblige in *Conscience*. The only *Principle* therefore on which they can pretend that their Rival *Bishops* have *lost* their *Right*, as to *Conscience*, must be the *Power* that even the *Lay*-Magistrate has to *deprive Bishops* even with regard to *Conscience*. If therefore they will *defend* their *Schism* by *Principles*, it will be necessary that they defend this *Principle* also, without which it is not possible that it should ever be defended. They have no *Ecclesiastical* Judicatory, Just or Unjust, that they can so much as *pretend* in this Case. And the *defending* this is that which will *increase* their Guilt, and will *add* to their Charge of *Schism*, the aggravation of *Heresie* also. For in order to the *asserting* such a *Right* as this to the *Secular* Magistrate, it will be necessary to assert that the *Authority* of the *Church*, even as to *Spirituals*, is, in *Conscience* the Right of the *Civil Magistrate*. If it should not be so, then the *Subjects* of the respective *Dioceses* may still be at liberty in *Conscience* to *adhere* to their *deprived Bishops*. And if they *may*, they *must*, because then all their *former* Obligations in *Conscience* will still hold as *obliging* as ever: For it is impossible that those *antecedent* Obligations in *Conscience* to adhere to their Spiritual Superiors can be dis-annulled, or diminished by a Power that can pretend no *Right* in such Matters with regard to *Conscience*. But if we grant this Power to the *Magistrate*, this will perfectly overthrow the *Church* as a *Society* distinct from the *State*, and perfectly disable it to subsist as a *Society* in a time of *Persecution*. For when the *Magistrate* persecutes it, it cannot then subsist as a *Society* without a *Government*, and a Government *obliging* in *Conscience*, and not *derived* from the persecuting *Magistrate*. But if the *Right* of that *spiritual* Government be in *Conscience* the *Magistrate's Right*, it must be an invading the Magistrate's Right to pretend to it when he expressly *forbids* it. And if so, how can *spiritual* Governors in such a Case pretend to it? How can they pretend to a Right that is none of their *own*, consistently with *Conscience*? How can their pretending to it with *ill Consciences*, oblige their *Subjects* to adhere to them on account of *Conscience*? Nay how can it, even *excuse* them in *Conscience* for not adhering rather to *him* whose *Right* it is supposed to be, and that even in *Conscience*? No *Necessity* whatsoever can excuse a *Sin*, much less lay an Obligation in *Conscience* on *Subjects* to *abett* it, least of all lay an Obligation on *God* to *ratifie* such *Acts* of *Authority* as must be supposed no better than *Usurpations*. And yet all Acts of *Ecclesiastical* Authority in a time of *Persecution* can signifie nothing if they be not such as may oblige in *Conscience*, and such as *God*, as well as *Men*, is *obliged* to ratifie,

Thus

This it had been *Sin* in the *Romans* to set up *Cornelius* (as plainly they did) not only *without the Consent*, but *against the Will* of *Decius*. It had been *Sin* in him, and not in him *only*, but in all the *Bishops* of his *Age*, to pretend to any *Districts* in the *Roman* Empire. It had been *Sin* in them to *exercise* Authority in *Districts* not belonging to them. Thus the *Church* had been perfectly *dissolved*, as a *Society* at least, within the *Roman* Empire; unless we can suppose a Notion of a *Society* without *Governours*, without *Districts*, without any lawful *Exercises* of *Authority*. And yet the *Bishops of those Ages* never thought themselves obliged in *Conscience*, to go out of the *Roman* Empire to retrieve the *Power* which is pretended to belong to them as *Bishops* of the *Catholick Church*. And very probably it had signified nothing to have done so. They could have gone into no civilized *inhabited* Countreys, but they must have expected *Magistrates* who could pretend to the same *Right*, as well as *Decius*, and who were as much disposed as he, to *use* their *Right* to the *prejudice* of the *Christian Religion*. What therefore would our Adversaries have advised the *Christians* of *those Ages* to have preserved themselves in a *Society*? Would they have had them retired into *unexplored wildernesses*? But how could they make *Societies* there where there were no numbers of *Subjects* requisite to make a *Society*? Plainly therefore, the *Catholick Church* had then been dissolved as *Societies*, if these *New* Principles had been maintained in those *earlier* Ages. And the same *Principles* do still put it as evidently in the *Power* of the *Civil Magistrate* to *dissolve* the church as a *Society* within his own *Dominions*. For how can a *Church* continue a *Society* where *Bishops* are in *Conscience* deprived of their *spiritual Authority*, and where *Subjects* are also *absolved* from their *Obligations* in *Conscience* to obey them? And this is also a *dissolving* the *Catholick Church* as to such as *live* in such *Dominions*, and as to any *Benefits* they can derive from the *Catholick Church* also. For *Subjects* of *particular* Districts are no otherwise received into the *Catholick Church*, than as they derive a Right to *Communion* with *all* Churches in the *world*, by their being admitted *Members* of the *Churches* of their *particular Districts*. And they are also *deprived* of their *Right* of *Catholick Communion*, when they are *Excommunicated* by the lawful *Authority* of their particular *Districts*. I cannot therefore see how our Adversaries can *excuse* themselves herein from erring *Fundamentally* if the *Church's* being a *Society* be admitted for a *Fundamental*.

29. If there be *degrees* of *Fundamentals*. I should think the Fundamentals concerning the *Church* as a *Society* to be of the *greatest* consequence, and therefore *Fundamental* in the *highest degree*. The Church is indeed obliged to keep the *Sacred Deposite* of the *whole Word of God*. These are the *Expressions* by which our Adversaries themselves, I believe, conceive the *Articles* themselves call *Fundamental* to be signified. But she is obliged to keep them as a *sacred Trust*, as a *Trust* committed to her. How so? by avoiding *Disputing*, by *stopping* the *mouths* of *Heretics*, by *rebuking* them with all *Authority*, by *rejecting* and *avoiding*, not their *Doctrines* only, but their *Persons* also, when they prove incorrigible. Now these things plainly *suppose Governours* invested with *spiritual* Authority, and a *Communion*, from whence incurable *Hereticks* are to be rejected. So that in order to the *keeping* these other *Fundamentals*, the *Church* as a *Society* is *supposed* antecedently as a Condition that alone can *qualifie* her for having such a *Trust* committed to her. This Notion therefore is *antecedent* must be *Fundamental* to those *other* Fundamentals, and therefore *Fundamental* in a *higher* sense than those things can be whose security is *superstructed* upon it. And accordingly the Damage to the *Publick* in subverting these Notions of the *Church* as a *Society*, is perhaps probably greater than that which follows from the denial of other particular Articles which are commonly *taken* for *Fundamental*. He that denies one of the other Articles may yet *believe* all the rest, and *zealously defend* them, and that by *Principles* too against all *other Heretics*. But he that denies the *Church* as a *Society* invested with *Spiritual Authority*, does at once, as he does to the ruine of a *House* who subverts the *Foundations* of it. It brings in Anarchy for *Heresie* in general, and sufficient *Hereticks* still to hope as well in their *separate* Sects, as if they were in the *Communion* [illegible] leaves them destitute of even any *Presumptions* that might oblige them to judge in *Favour* of the *Church's* Doctrine in the *least* Point, if it should prove one. It does by this means reduce the trial of the *Cause* to the *Reasons* themselves, and their native *Evidence*, and puts it in the Power of allowing Men to pretend greater Evidence than either they have, or they really believe. And things being reduced to this pass, 'tis more *God's Providence*, than the *security* of *Principles*, that hinders any *Heretick* who disputes any one of the other Articles, from questioning *all* the rest.

This *sort* of Errors *fundamental* in the highest degree.

30. I

Our Adversaries are wholly the Cause of this late Breach, and have shewn themselves neither kind to us, nor careful of themselves, in it.

30. I am sorry our Adversaries Case affords Matter for so heavy Accusations: But they may by this time understand how naturally the Case affords it, if we will judge impartially, as we must do, if we will judge either solidly or justly. If we will judge as we desire, the Righteous Judge of all the World will at the Day of the General Judgment. And what can our late Brethren, either of the Clergy or Laity, say for bringing things to this melancholy Prospect? Neither is the Charge slight, to which they have made themselves obnoxious by this Unhappy Schism; nor is the Evidence slight, by which the Charge may be proved against them: And yet they have wholly been the Aggressors in this whole Affair. We are exactly where we were, exactly where they left us. So little can they pretend that we have contributed to this Division. We hold the same Doctrines that we did, that themselves did, formerly. We adhere to the same Bishops themselves have owned for Bishops till now. Nor are we otherwise divided from them, than as they have divided themselves, by erecting New Altars against the Altars themselves have hitherto acknowledged. Lovers of unity would be as much grieved for Breaches in the Mystical Body as living Members when by any violence they are divided from the Body Natural. The little concern the Harlot shewed for the controverted Infant, was to Solomon an Argument, that she was not the Mother of it. And how comes it to pass they can divide themselves from us with so little remorse, if ever they were living Members of our common Mystical Body? Do they not
1 Joh. 2. 19. temper us to reason as St. John did, that they never were sure we Principles when they can so easily leave us? Have they lost all Reverence for their so lately celebrated Fathers? Have they lost all Brotherly Love and Compassion to their Brethren? And all for no other Crime than Constancy to our Common Principles. And can they still pretend a Zeal to our Common Religion for doing so? These, they will say, are our Opinions. But Lovers of unity would be afflicted for Violations of it, whoever were the Occasions of it. Lovers of unity would not willingly grieve their Brethren, much less would they do that, which, even in the Opinions of their Brethren, might occasion a Breach of unity, if there were otherwise no great Necessity for doing it. Least of all would they do it, when they knew those Points to be Principles of Conscience, and of a Conscience firm and fixed to the true Publick, Spiritual Interests of the Church. So far they must be from accepting Promotions, when they must be purchased at so dear a Rate as that of a Publick Schism. But I wish these Opinions of ours were no more than Private Opinions. This now appeared that they were the sense of the whole Catholick Church, in those Ages which all ought to reverence, who will pretend to Reformation, and which is to be the Standard of Catholick unity. Yet let them regard as little as they please, methinks at least they should have some regard to the Publick Profession even of their own Church. And yet both the Invaders and their Consecrators proceed on those Principles, that put it in the Power of a Popish or Schismatical Prince to dissolve it when they please. They cannot justify what they do without supposing a Vacancy in the Sees to which the new Promotions are made; nor can they suppose such a Vacancy without allowing the validity of a Sentence deprivation, even with regard to Conscience. Suppose therefore a Popish Prince with a Popish Parliament should turn their Principles against themselves, and deprive all our Bishops with one Act of State; I cannot see what these Fathers can pretend to secure their Church as a Society, and as a Communion, in opposition to them. They must then no longer pretend to Direct in England. They must not pretend to any obligation of their Protestant Clergy and Laity to stand by them, even in Conscience. They must therefore never pretend to Communion in those Dioceses, which are plainly Exercises of Spiritual Authority in them. Nor can they then justify, or even excuse, any Assemblies for Religion, when forbidden by the Civil Magistrate, who is only supposed, by those Principles, to have also the Right to that Spiritual Authority by which alone they can be justified. And are these the ways to secure our Religion against Popery? No open Persecutions whatsoever can ever ruine us so effectually as these Doctrines will, if ever we receive them. Doctrines of our own will break our union among our selves more than any of our Adversaries open Violences.

Transition. 31. Thus I have shewn that our Author's Reasoning is not concluding for our Adversaries purpose, though his Matters of Fact had been as pertinent as our Adversaries conceive them to be. I now proceed to the Examination of the Matter of Fact themselves, and shall endeavour to shew that even they are not pertinent to our Adversaries Case.

A VINDICATION OF THE Deprived Bishops, &c.

PART II.

Shewing, That the Instances *collected in the Anonymous* Baroccian MS. *are indeed not* pertinent *to the* Editors *Design, for vindicating the* Validity *of the Deprivation of* Spiritual Power *by a* Lay-Authority.

1. THE Use that our Adversaries make of this Collection of *Instances*, which they call *Precedents*, is to shew that our *present* Bishops are obliged to *acquiesce* in their *unjust* Deprivation, and that their present *Clergy* and *People* are not obliged to stand by them, if they think fit to insist on their *Rights*, and chalenge their *Duty* from them. These things they conceive clear from these *Instances*, that neither unjustly deposed Bishops did *chalenge* their *Rights*, nor their *Clergy* and *Laity* assist them in chalenging them, if the Bishops substituted in their Places were of the same *Faith* with those who were deprived. But undoubtedly these Reasonings can never pretend to hold any farther than as the Instances here mentioned were parallel to the Case of our present Bishops. If the *Cases* be *different*, and different in so remarkable a *Circumstance*, as will make a difference of *Reason* also; it will not follow that our Bishops now are obliged to *do* as those did then, though we had been better assured than we are, that what was done in the Cases here instanced was justifiable, and on other accounts than bare Matter of *Fact*, argumentative, and fit to pass into a *Precedent*. And for my part, so far I am from thinking the Case the same, that I believe their Author himself never intended it should be so. Our Adversaries make application of his Instances to a Case, wherein not onely the Deprivation is *unjust*, but the *Authority* itself is *null* and disobliging; that is, of a *Lay-Deprivation* as to the purely *Spiritual* Authority of our Bishops. But in all likelyhood this neither *was* nor *could* be the Design of this Author, to make a Collection of *Precedents* for Submission to a *lay* and *invalid* Deprivation; much less in such *Circumstances* as ours are, wherein Men are so prone to make ill *Interpretations* of such

The Use our Adversaries make of this Collection, is in all likelihood very different from the Design of the Author.

Submiſſion, to the juſtifying ſuch *Invaſions* for the *future*, and the Ruine of the *Church*, as a *Society* diſtinct from, and independent on the *State*.

The Deſign of the Author of this Diſcourſe is to be known from the *Occaſion* of his writing it.

2. To ſhew that this was not his *Deſign*, it will be convenient to enquire into the Matter of *Fact*, which gave occaſion to their Authour to draw up this *Collection* of *Precedents* and *Canons*: For from thence it will appear how much he was obliged to prove, that he might make his *Collection* pertinent to the *Caſe* undertaken by him; and whether the ſpeaking home to *that Caſe* that was *then* before him did, by any way of rational *Conſequence*, oblige him to ſay things applicable to our *preſent* Caſe, to which what he ſays is applied by our Adverſaries. This I ſhall the rather endeavour, both becauſe it will be acceptable to the World to know the *Occaſion* of Writing this new publiſhed Diſcourſe, and becauſe it is not ſo much as *attempted* by either of the worthy *Editors*, which yet was an omiſſion of very ill conſequence, as to the *Reaſoning*: For how was it poſſible to judge of the Reaſoning of their Author, whileſt as yet the caſe was unknown againſt which the Reaſoning was deſigned by him? And in order hereunto we have gained a Point, in diſcovering the *Time* of the Author, and thereby the true *Age* of this Diſcourſe. This will confine our Enquiry within a narrower Compaſs, wherein we are to *expect* the *Caſe* that gave *Occaſion* for it: Indeed it is the onely token we have for knowing it, the Author having given us no *Hiſtorical* Account of the *Perſons* concerned, in the Diſcourſe itſelf.

The *Schiſm* which occaſioned this Diſcourſe ſeems to have been that between the *Arſenians* and *Joſephians*, in the Reign of *Michael Paleologus*. *Niceph. Gregor. Lib.* 4.

3. The Original therefore of the *Schiſm* which occaſioned this Diſcourſe, is, I believe, to be derived from the Reign of *Michael Paleologus*, the *Father* of the elder *Andronicus*, under whom our Authour wrote. I mention nothing now of that *elder Schiſm* wherein *Nicephorus* of *Epheſus* was ſet up againſt *Arſenius*, mentioned by *Pachymeres*: That Quarrel was ended on *Arſenius*'s Reſtitution; and therefore could have no Influence on the Diſcourſe written afterwards. The *ſecond Schiſm* therefore is that which is to our purpoſe; and it was thus: *Theodorus Laſcaris* had left a young Son behind him, called *John*: Of him, by that time he came to be *ten* Years of age, *Michael* began to be jealous, and to ſecure himſelf puts out his *Eyes*. This the then Patriarch, *Arſenius* was very much diſpleaſed at, and excommunicated him for it. The Emperour bore it for a *while*, and wore a *penitential* Habit, hoping within a while to be reſtored: But finding at length no hopes of it, this made a Grudge between him and the Patriarch; ſo that the Emperour was reſolved to lay him by. What then? Does he deprive him by his ſecular Authority? No ſuch matter. *Gregoras* obſerves, that * *he did not take the courſe his Power would ſuggeſt, nor uſe it openly*. There was no ſuch Power ſo much as pretended to by the *Lay-Magiſtrate*, even in thoſe *late* and degenerous Ages. He pretends indeed a *frivolous* Cauſe againſt the *Patriarch*; yet he makes not *himſelf* the *Judge* of it, but a *Synod*. However he gained his Point; the *Synod* did as the *Emperour* would have them, and depoſed

* οὐκ οἷον τε δὲ ἦν τὸ ἐκ τῆς ἀρχῆς ἐξουσίας ἐπιχειρεῖν, ἢ ἐξενεγκεῖν. ἡ δὲ ἀναπαλαιμένη χρεία τῷ ἐξουσίᾳ, &c. *Gregor. lib.* 4.

deposed the *Patriarch*. This being done, they translate *Germanus* from the See of *Adrianople* to that of *Constantinople*; which revived a Dispute about *Translations*, first started, as *Georgius Pachymeres* tells us, by *Joseph* who succeeded him, and occasioned a like Collection of *Instances* as this is, which we have still preserved in the same *Barocciun MS.* There we have also the *Synodical* Proceedings concerning the *Translation* of *Germanus*, which gives us the time of it, that it was in *May*, the Year of the World, as they then reckoned, 6773; that is, in the Year of our Lord as we now account, 1266. But *Germanus*, not being able to endure the Envy and *Odium* of coming into *Arsenius*'s Place so *injuriously* vacated; retires after two years, *Arsenius* being yet alive. *Pachymeres* says, that the Emperour was also underhand very active in it. Upon this *Arsenius* stirs again, but in vain; *Joseph* was, by the Emperour's Interest, again set up against him. This was about the time of the Eclipse which *Gregoras* mentions in *May*, in the year of the *World* 6775. that was the year of our *Lord* 1268. *Pachymeres* is more distinct, and tells us, that *Germanus* resigned about *September*. *Arsenius* upon this acts *authoritatively*, and deprives *Joseph*; for so we find it pleaded elsewhere by the Followers of *Arsenius*, in the same *Gregoras*. This was a *Chalenging* of his *Right*, upon the *Vacancy*, and had this effect with those who thought him *injured*, that they would no more *own* the *Communion* of *Joseph*; so that from that time forward the *Schism* began. This is certain, that when *Michael* afterwards endeavoured an *Union* with the *Latines*, in the Council of *Lyons*, in the year 1274. both Parties opposed it with great Zeal; *Joseph* himself so far, that he was *deposed* for it, and *Beccus* set up in his Place: And yet though both Parties united against the *common* Adversary, they would not doe so among *themselves*. They still avoided each *others* Communion as much as they did that of the *Latines*. Thus things continued in that Reign, though both Parties were *persecuted* by the Emperour, who did all he could to *force* them both to his *Union* of the Council of *Lyons*. At length he dyes, and then all things return: *Beccus* retires, and the *Schismatical* Exiles of both parts come home. This must have been in the year 1284. if *Gregoras* date it right, in the year of the World 6791. *Phrantzes* and *Pachymeres* agree with him; onely *Pachymeres* adds, that it was the 11th of *Scirrophorion*. This *Possinus* misunderstands, when he thinks it was *December*; but *Scirrophorion* in the Table of *Hesychius*, where he describes the Signification of those *old* names of Months, in the use of the *modern Greeks* is *August*: And so the Matter is clear, and the other Note given by *Pachymeres*, that it was the *Paraskeve* agrees exactly. In that year the 5th Cycle of the Sun the *Dominical* Letters *B A*, the 13th of *August* is *dominical* exactly. And so the number of his Years of *Reign* answer exactly. *Pachymeres* says, that he began his Reign the 1st of *Hecatombaon*; that is, in *Hesychius*, *September*; not *January*, as *Possinus* would have it; According to which beginning his

* ἐξ οὗ μὲν οὖν ὁ Ἀρσένιος ἀφωσιώθη τοῦ θρόνου ὁ Ἰωσὴφ, ἐν ζάλῃ ἦν καὶ ἐν πόνοις ἐκείνου πλάττ. *Gregor. lib. 5.*

* μήτε σφᾶς τὰ ὅλα τῆς ἐκείνου ἐξαίρεσις λαοῦ, μήτε σφᾶς ἀλλήλων, ἀλλ' ὁρᾶσθαι ἀκοινώνητοι ἑαυτοῖς, ἄλλοι ἀλλαχοῦ· οἱ μὲν Ἀρσενίου λέγοντες ἐν τῷ Πατριάρχῃ, τὸν ἐκπεπτωκότα· οἱ δ' Ἰωσήφ, οἱ δ' ἄλλα λέγοντες, ὧν ἐγὼ τοὺς πλείστους, παλαιοὺς οἱ πολλοὺς καὶ παλαιώδεις. *Gregor. lib. 5.*

his Reign from *Septemb.* 1. 1260. he must have reigned 24 years, except 20 days, as *Pachymeres* says he did. Then *Joseph* returns, and enjoys the Patriarchal Throne for a time, and they who had owned him *before*, own him *still*, and communicate with him: But the *Arseniate* (so they were called, and opposed to the *Josephiata*,) return with their old Animosities, and would not own him upon account of his former *Deposition* by *Arsenius*, who was by this time some while *dead*, and could not heed them; yet they would not communicate with *Joseph*, though he had now no *Rival* to be opposed to him. The Death of *Arsenius* was the next year after the *Union* of the Council of *Lyons*, on the 30th of *Gamelion*, in the Language of *Pachymeres*; *i.e.* on the 30th of *March*, 1275. On the other side the *Josephiata* pleaded, *That* Arsenius *had been canonically deprived in a Synod*, κ᾽ Ὑφῃρεμένον ἐναι κατὰ πόλιν τῶν τότε παρόντων Ἀρχιερέων Συνόδῳ. There was also a *third* Party, which charged both these, no doubt, *Joseph* then living, with new Canonical Accusations. This obliged *Joseph* again to recede, both for Peace sake, and because indeed he was by this time superannuated for his Charge: Thus he left the two Parties engaged, and soon after dyes himself. The new Emperour *Andronicus* did not think fit to let the Throne lie vacant at so dangerous a time as the beginning of a new Reign; he therefore pitches on *Georgius Cyprius*, an eloquent and learned Man, and fit for the Place, and immediately invests him with what he could give him, the *Crosier*, or *Pastoral Staff*, according to the Custome then generally received for some Ages, both in the *East* and *West*. This enabled him to perform those Patriarchal Offices onely which required not *Priesthood*, as *Gregoras* expressly observes; so carefull they were then of avoiding these present Invasions on that sacred Function. The Reason he deferred his Consecration for a time, was purposely that he might get him consecrated by Persons no way concerned in the *Schism* between the *Arseniats* and *Josephians*, nor in the *Union* attempted by his Father in the Council of *Lyons*, as wisely foreseeing that it would make the whole Consecration questionable, in a Time when that whole Design was so unpopular and abominated; and a short time afforded him Persons fit for his purpose. Within a while the Bishop of *Mozula* came on an Embassy from his Master the Despote of *Ætolia*, and a little after him another Bishop of *Debra* in *Macedon*, upon another occasion. These, I suppose, were therefore free from any Contagion of *Latine* Communion, or of the *Schism*, because they had not been liable to his Father's Jurisdiction: But he pitched rather on the Bishop of *Mozula*, as being a Suffragan of *Constantinople*; for *Mozula* was subject to *Naupactus*, *Naupactus* to *Constantinople*; whereas *Debra* was under *Justiniana prima*, exempted by *Justinian*: Him therefore *Andronicus* prevails on, first to consecrate a Monk, called *Gennadius*, Bishop of *Heraclia*, whose antient Right it was to preside in the Consecration of the *Patriarch*; then with the Bishop of *Debra* to assist the so

Gregor. lib. 6.

conse-

consecrated Bishop of *Heraclia* in the following Office, when there should be need of them. This being done, they then proceed to the Consecration of *Georgius* or *Gregorius*, for the modern *Greeks* especially do often confound those two Names; and being onely a *Reader* before, they first *ordain* him *Deacon*, then *Presbyter*, before they all joined in making him *Patriarch*. Thus all the Caution was used that could be, to prevent the *Schism* that might follow, if his Consecration had been exceptionable in the Opinions then received; and all was no more than necessary, as did afterwards appear. This did not hinder but that his former Familiarity with *Becus*, and *Metochita*, and *Meliteniota*, was objected to him; and even that inferior Order of *Reader*, which he did not receive then, he was said to have received from *Latinizers*. How *true* these Objections were is not material to our present Design: This at least appears, how *prone* they were *then* to make them, and how little occasions served for those who were so prediſposed to receive them. The Patriarch thus made, Endeavours then were used to reconcile the *Arseniata* and the *Josephiata*: Accordingly an Expedient was thought of suitable to the Superstition of the Age, and the Tales formerly invented by the Legendaries. On the *great Sabbath*, that is the *Saturday* before *Easter*, two Libels were received, each containing the Sense of the Party that deliver'd it; one of the *Followers* of *Arsenius*, the other of those of *Joseph*. These they cast into a Fire prepared for the purpose, expecting (according to the Fancies of our *Saxon Ancestors* concerning their *fiery Ordeal*) that the Libel which was more pleasing to God should escape untouch'd: But the *Event* was, that the *Fire* destroyed them both, and the Controversie still remained unresolved, whether was in the right. However it was thus interpreted, that the making Parties was generally displeasing. This sufficed at *present* to *unite* them among themselves, and with their present *Patriarch*. And to sweeten the *Arseniata* the more, it was granted them, that the *Body* of *Arsenius* should be honourably received into the City with a solemn Procession. The *Easter* that this *Union* was transacted in could hardly be sooner than that of the year 1285. And the *great Sabbath* was *April* 13. according to the Computation of *Isaac*, a Monk near this time, that we may not suspect any alteration in the *Paschal Account* between this time and his. But the *Union* then made does not seem to have held *long*, possibly no longer than the time of this *George* of *Cyprus*. In the time of *Niphon* of *Cyzicus* we find the *Arseniata* out again, (how long before we know not) and by him reconciled on very honourable Terms, and then apostatizing again: This was about the year 1315. Thus fickle they were, for so many years together after the *Death* and honourable *Amends* made to the Memory of their *Arsenius*. However the prospect of Things in our Author's View when he wrote this Discourse, I take to have been that of the year 1285. which I have been now describing. *Niceph. Gregor. Lib. 7.*

This Case of *Arsenius* is very like that of St. *Chrysostome*, which our Author thought principally to deserve Consideration.

4. It gives indeed so clear an Account of the whole *Design* of this Discourse, that we can hardly doubt but that *this* was indeed the *Case* that *occasioned* it. That the Author excepts St. *Chrysostome*'s Case, as affording matter for a particular consideration, seems to imply that this Case was particularly insisted on by the Adversaries with whom he was concerned. And indeed the Case of *Arsenius* was so very *like* that of St. *Chrysostome*, that it cannot be thought strange that the *Arsenians* should reason from that Case as a *Precedent*. St. *Chrysostome* excepted against the Synod *ad Quercum* that deposed him, that his notorious and professed *Enemies*, *Theophilus*, *Acacius*, *Severian*, and *Antiochus*, presided in it: So did *Arsenius* against the *Synod* that deposed him, that the *Emperour* had convened it, and influenced it, with whom he had a known Difference on occasion of his late *Excommunication*. The Synod *ad Quercum* admitted not this Exception of St. *Chrysostome*, but condemned him for *Non-appearance*, without any Examination of the *Merits* of his Cause; and the same way this other *Synod* also proceeded in the Case of *Arsenius*, that he also had no *Hearing* concerning the Particulars objected against him. In the Case of St. *Chrysostome*, not onely the *Eastern Joannites*, but all the Bishops of the *West* renounced Communion with those who had proceeded so *unjustly* in Censuring him without ever *hearing* his Defence; and this not onely while St. *Chrysostome* himself was *living*, but for many years after his *death*, till an honourable *amends* was made him, as far as was possible; that is, not to his *Person*, but his *Memory*. That was, not onely when his *Name* was received into the Ecclesiastical *Diptychs*, thereby owning him to have dyed, in *Right*, as *Bishop of Constantinople*; but when his *Body* was brought back, and received into the City by a solemn Procession of the then Bp. *Proclus*, the *Emperour* himself assisting at the Ceremony. This was, as *Socrates* tells us, in the 16th Consulship of the younger *Theodosius*, (in the year 438.) and in the 35th year of the Dishonour done him, which seem therefore to be reckoned from the Synod *ad Quercum*, where he was first deposed, which was the year before he was banished *Constantinople*. He was not banished till the 30th of *Septemb.* in the year 404. for they usually allow him onely five Years and some odd Months for his Bishoprick, which began *Febr.* 26. in the year 398. and therefore must end in 403. and the time of that former Synod *ad Quercum*, which probably was the reason why *Socrates* began his Account from thence. No doubt the *Arsenians* also had this Example before them, when they procured the Two *Translations* of the *Body* of their Patron; the first from the place where he dyed to the Monastery of St. *Andrew* in the City, in the beginning of this Reign of *Andronicus*; then from the Monastery to the Church of St. *Sophia*, in the later Concordate made by the Patriarch *Nipho* of *Cyzicus*, in the year 1315. For so St *Chrysostome*'s Body also had been interred in the Church of the *Apostles*, built by the Emperour *Constantine* the Great, and where himself

himself was buried also, no doubt the *principal* Church of the City then, till this of St. *Sophia* was afterwards built by the great *Justinian*; so carefull the *Arsenians* were, that their Patriarch *Arsenius* shou'd not fall short in any *Punctilio* of the Honour that was done to the memory of St. *Chrysostome*.

5. And from hence we understand the Reason why our Author is so particularly carefull to observe, that *past* Invalidities in *Succession*, did not use to be *critically* examined, but left to *God*, not even by the dividing Persons *themselves*, when they were so long past that they could not be remedied, and were withall not injurious to the *Rights* of any Person *living*. Thus he observes, even in the principal Case of St. *Chrysostome*, That *Severianus* of *Gabala*, and *Acacius* of *Berœa*, though they were *accused* to Pope *Innocent*, (that is the true Notion of *Ἐμφανισθέντες,) were notwithstanding not *censured* by him, but permitted to the *divine* Vengeance, when their *Fall* was now too *late* to be redressed. The like he observes concerning Pope *Celestine*'s approving of *Atticus* and his *Successors*, in his Epistle to *Nestorius*. These are Arguments *ad homines*, even from the sense of those who were the principal *Separators*, on Account of the *Injustice* done to St. *Chrysostome*; for such were the Bishops of *Rome*: And he is frequent in his Observations of this kind; a sign that the *Schismaticks* he had to deal with were rigorous in *Retrospection*, and unravelling what had been done since the injurious Deprivation; and this the *Arsenians* did insist upon. *Arsenius* himself, upon his Restitution after his first Expulsion, expresly ratified all the Orders that had been conferred by the Intruder, *Nicephorus* of *Ephesus*: And in the *Reconciliation* made by *Niphon* of *Cyzicus*, one thing granted them was, * *That the Clergy should submit to a Penance of forty days* Suspension; no doubt as an Acknowledgment that their whole Ministry was in *Right* unlawfull as far as it had been received in the *Schism*. And this seems to have been the reason why *Gregorius* censures the *Arsenians*, as having that design of advancing their own Party to all the Preferments of the Church. That was a consequence of their vacating all the Places that had been filled since the Intrusion, and invalidating their Orders; they thereby left none qualified to fill their Places but themselves.

The *Arsenians* also gave our Author occasion to observe, that *past* Invalidities in *Ordinations* did not use to be insisted on *rigorously*.

* So Ἐυφραισία Συνοδικὴ, *Can.* 15. of the Synod under *Photius*, here produced in the later part of this Discourse, under the Title of *A B* Συνοδικὸν, is an *Accusation* to a *Synod*. The *Translator* does not seem to have understood the Importance of this Phrase, neither in his *Latine* nor *English* Version, nor the *Annotator* on the *English*. The *Latine* Translation seems to imply, that *Severianus* and *Acacius* *personally* appeared before Pope *Innocent*, which no History owns them to have done. The *English*, that they were called in question by him, which (if meant *judicially*) could not be true, when he after exercised no *Censure* on them, either of *Condemnation*, or *Absolution*. The *Annotator* understands it of *Discovery*; but what needed that when the *Fact* itself was *notorious*? The Notion of *Accusation* solves all. So also in the *N. T. Acts* 24. 1. and 25. 2. ἐνεφανίσθησαν τῷ is to *accuse* or *inform against*, which is a proper Authority for this purpose, because most of the *Ecclesiastick* Terms were designedly taken from the *Scriptures*.

* Ἵνα τε διετίας τὸν κανόνα πενθήσωσιν ὅσιοι τῆς ἱερᾶς, ἀρχὴν δικαίαν ἡ ἱερωσύνη διδοῦσα παραμυθίαν. *Greg. lib.* 7. *p.* 183.

6. But

There was also in this *Schism* an occasion for the Author to add his Exception of *Heresie*, and his *Limitations* of that *exception*.

6. But our Author expresly excepts the Case of *Heresie*, as that alone which could justifie a Separation. The Heresie then in view, in the sense of the *Greeks*, was no doubt the Doctrine of the *Latines*, which they called *Heresie*, and with which they had been allarmed since the pretended *Union* at *Lyons*. This Exception therefore the Author could very truly and prudently *admit*, and *urge* against *both* the dividing Parties, that *neither* of them could charge the other with *Latinizing*, or pretend *that* as a Cause for their Separation. *Joseph* had suffered in that Cause as well as the *Arsenians*, and was forced to retire, and *Beccus* was set up against him, because he would not comply with the Emperour in that Matter: Yet in the latter end of his Discourse he adds out of the Canons two prudent Limitations of this Case, even of *Heresie*: One is, that he requires that the *Heresie* should have been antecedently condemned by the *Church*, lest otherwise *private* Persons should be left at *Liberty* to separate for whatever *themselves* should be pleased to call *Heresie*: Another is, that the *Heresie* so condemned should be *openly*, and in the Face of the *Church* owned by the pretended *Heretick*, that no *publick* Separation might ever be permitted, without publick *Evidence* of the Cause on which the Separation was to be made. I cannot think these *Limitations* were made precariously, but in prospect of a Cause then in *view*, that might have suffered by the Consequence of this Concession, that *Heresie* at least would justifie Separation, if these Limitations had not been interposed: And I can think of no Cause so likely as that of *George* of *Cyprus*, who was now made *Patriarch*. We find by *Gregoras*, that notwithstanding the Care that was used that his Consecration might have no Ingredient of any Authority derived either from *Latines*, or *Latinizing Greeks*, yet he lay under some *suspition* of that very Charge, which was then so very odious. His former Familiarity with *Beccus*, and *Metochita*, and *Meliteniota*, in the time when the *Union* was rigorously urged by the Emperour, made him suspected of having imbibed their Doctrine. At least his inferior Order of *Readership*, which was now not given him, but supposed, they did not know but it might have been derived from *Latinizers*. But these *Limitations* secured his Case from justifying any Separation that might follow from these Jealousies. He might hold some *Opinions* in Common with the *Latines*, if they were not condemned as *Heresies* by his own *Church*. And particularly *Gregoras* observes, That in that *Union* of *Lyons* the * *Faith* was not meddled with; I believe he means the Article concerning the *Procession* of the *Holy Ghost* from the *Son*. And this being free, there were not many of those which they called *Errours* of the *Latines*, which they could pretend had been condemned as erroneous in the *Faith*. This even *Beccus* himself might have pleaded, as well as *George*, that he had not expresly professed that *Doctrine* of the *Latines* which the *Greek* Church condemned for *Heretical*; but he could not excuse himself as *George* could doe, from at least *Communion* with

* ἀλλ' ἦν τῆς ἀρχιδίκης, ἢν ἐκεῖνοι ἀλλ' τὸ ἐκεῖθεν κεκυροῦσθαι σύμβολον, ἢ ἀλλ' ἄλλοι εἰσάγειν ἐπιθυμίαν ἀναιρεῖσθαι τινὸς ἢ συναρέσκειν.

Greg. lib. 5.

with those whom they called *Heretick*; At least the other *Limitation* would bring *George* off, that they onely suspected him to maintain the Doctrine of those with whom he had been so familiar, not that even his Adversaries could pretend that he had owned them *openly*, or taught them in the publick Ecclesiastical *Assemblies*. If this was the Occasion, this Collection could hardly have been made before the Synod of *Atramittium*, which being about the time of *Easter*, could not have been sooner than the next Year to that wherein *Andronicus* succeeded; that is, the Year 1285. Nor is it likely to have been sooner, if this Author wrote it when himself was *Rhetor*. *Georgius Lagathetes Acropolita*, whose *Chronicle* we have, was *Rhetor* in the time of *Arsenius*. *Germanus*, who was set up against *Arsenius*, put *Manuel Holobolus* in that same Office; perhaps the same whose Notes are extant in MS. on the *Ara Dosiadis*. *Holobolus* was very hardly used by *Michael* the Emperour for his Aversion to the *Latines*, as *Pachymeres* tells us: Nor was he, that we know of, *then* put out of his Place. But whether it was he that was continued, or that was *restored* at the beginning of *Andronicus*, we cannot judge till we have more light from *History*. This at least seems probable, that this was the time of *Writing* this Discourse: Before this time there was not such Occasion for this *Exception*, and these *Limitations* of this Exception of *Heresie*, as there was *now*. It is certain the Author was a *Constantinopolitane*, and wrote on occasion of a *Constantinopolitane Schism*, and wrote withall about this *time*, and could hardly have avoided mentioning *this Schism*, on one side or other, if he had written after it; and there is neither any *Schism*, nor any *time* of this *Schism*, so fit for it as this. Withall we know that an Union did follow upon it; who knows how much this *Discourse* of the *Publick Rhetor* might have contributed to it?

7. If therefore I have guessed right at the true occasion of Writing this Discourse, the Author, whoever he was, had no *Occasion* from his *Design* to speak to our present Case, of an *invalid* Deprivation, as to *Spirituals*, by a *Lay*-Authority. The Case of *Arsenius* was plainly managed by a *Synod*; so also was that of St. *Chrysostome*, so much insisted on by them, and pleaded as a *Precedent* of a parallel Case. The *Secular* Power, in both Cases, concerned themselves no farther than in executing the *Synodical* Decrees: Particularly *Michael Palæologus* was so far from encroaching on the Church's Power, that *Gregoras* observes expressly, that he would not use the Power he had in his hands to right himself; so far, that he owned the validity of *Arsenius*'s Censure against him, that he submitted to it, and wore a *penitential* Habit, and profered any satisfaction that the Patriarch would impose upon him, and that nothing seems to have hindred the Reconciliation, but that *Arsenius* did not yet think fit to come to Particulars; so far, that he was once minded to have surrendred his *Imperial Sword* to the Patriarch, till finding *Arsenius* willing to accept of it, he suddenly snatched it back, and refused to stand

This Case did not oblige our Author to justifie the *Validity* of a *Lay* Deprivation.

to it; ſo far, that even after *Arſenius* was depoſed, he never was at eaſe in his own *Conſcience*, till he was *abſolved* from thoſe *Cenſures* by another Patriarch; that he ſcrupled the Validity of an Abſolution from *Germanus*, becauſe of his *Tranſlation* from another See, and was thereupon very deſirous underhand, as *Pachymeres* informs us, to oblige him to *reſign*; that when that *Reſignation* was made, he then reſted not till he had the Abſolution ſolemnly pronounced by the Patriarch *Joſeph*, after a publick and ſolemn Acknowledgment of the *Crimes* by which he had incurred thoſe *Cenſures*, in the Face of the Church. What Occaſion therefore could this Author have to *juſtifie* the *Validity*, or the Obligation in *Conſcience* to ſubmit to a *Lay*-Deprivation? The Caſe before him not requiring it, he could have no Temptation to undertake it, but to gratifie the Emperours; but even that cannot be pretended here: The Emperour principally concerned never *chalenged* ſuch Power to himſelf, no not in *Conſcience*, though he was under ſuch Temptations to enlarge his Pretenſions to the uttermoſt. And the Emperour *Andronicus*, under whom the Diſcourſe was written, was not ſo much as under any *Temptation* to chalenge more than what was, in the Opinions of that Age, believed his due, and ſhewed himſelf diſpleaſed with the Proceeding of his *Father*'s Reign.

Nay, our Author could *not* juſtifie the *Validity* of a *Lay*-Deprivation, if he would be true to the *Canons* here produced by *himſelf*, but *omitted* by the *Editors*. For Presbyters to *diſown* their Biſhop not *ſynodically* deprived, is, by the Doctrine of theſe *Canons*, *Schiſmatical*.

8. There was therefore on this account no occaſion that might oblige our Author to ſpeak to our *preſent* Caſe of a *Lay*-Deprivation. That is not all: I add farther, That our Author *could not* juſtifie this Caſe, if he would be true to the *Principles* advanced by himſelf in this very *Diſcourſe*. The *Canons* that are *omitted* would have made this Matter very clear, if the *Editor* had thought fit to have taken them in. They plainly mention no other Caſe of a Biſhop's being *depoſed*, but that of his being depoſed by a *Synod*: But this *negative* Teſtimony will not, perhaps, ſatisfie our Adverſaries; they farther ſay, ſuch Things as are utterly *inconſiſtent* with their *owning* any *Deprivation* to be *valid* that is not *Synodical*. The *Canons* of the *Firſt-ſecond* Synod, here produced, (ſo it was called, becauſe it was *twice* convened, like the Πενθεκτη, or *Quiniſext*, which made the Canons aſcribed to the 5th General Council, though the Biſhops who made them were convened ſome while *after* the 5th Council:) Theſe, I ſay, are very *home* and *deciſive* to our purpoſe, and ſuch as our Adverſaries can by no means ſtand by. It is there decreed, that if any *Presbyter* or *Deacon* ſhall dare to fall away from his *Biſhop*, before a Συνοδικὴ διάγνωσις, *Conciliary Judgment* of his Caſe; nay, before a Τελεία καταδίκη, (the *Judgment* alone was not ſufficient, unleſs it proceeded to a *definitive Sentence*.) If, I ſay, ſuch a Perſon either leave his Biſhop's *Communion*, or leave his *Name* out of the *Diptychs*, and do not mention it in the *Eccleſiaſtical Offices*; he is to be deprived of all his *ſacerdotal Office*. Not onely ſo, but all that follow him, if they have any *ſacerdotal Office*, are to be *deprived* as well as he; if they be *Laymen*, they are to be *excommu-*

municated, till they quit the Communion of the *Schismaticks*, and return to that of their own *Bishop*. No other *Sentence* or *Deprivation* is here *allowed* of to *excuse* a *Separation*, but a *Synodical* one; till that be had, the Fathers who made this *Canon*, look on all the *Separation* that is made as no better than *Schism*. And is not this exactly *our* deprived Father's Case? What *Synod* can our Adversaries pretend that has, I do not say *sentenced*, but so much as *judicially* heard them? What then can they say that, by the Doctrine of this *Canon*, may excuse their present *Separation* from being *schismatical*? Will they say they are guilty of no *Separation*? But erecting another *Altar* opposite to the *Altar* of their own *Bishop* is *Separation*, not onely by the Doctrine of the *Cath. Church* of St. *Cyprian*'s Age, but even of their *own Author* himself. So it appears from the Canons of the *Apostles*, and of the Council of *Antioch* here produced by him, which use this very Expression of *Erecting Altar against Altar*. And it is notorious, that all who have used this Phrase, have ever included this Case of setting up a *Bishop* against a *Bishop* within the *same* Jurisdiction: The very first occasion of using it was taken from a Case exactly parallel among the *Jews*, that of setting up a *High Priest* against another *High Priest*, within the same *Peculium*. So also by the Doctrine of the same *Canons* produced here, it is *schismatical* to *omit* mentioning the Bishop's *Name* in the *Ecclesiastical Diptychs*: The Design of those *Commemorations* in the *Diptychs*, was plainly to own them as *Bishops* of those particular *Districts*. Thus *Cyril* of *Alexandria* argues against *Atticus*, that the receiving St. *Chrysostome*'s Name again into the *Diptychs*, would be an owning him a *Bishop*, who had been *deprived* of his Bishoprick, and consequently a *reversing* the Sentence of *Deprivation* that had been pronounced against him. Thus it appears, that it was the same thing to receive a Bishop's *Name* into the *Diptychs* of a particular *Diocese*, as to own him for a Bishop of that *Diocese*; and to leave his *Name out* of the *Diptychs* of a particular Diocese, was also the same thing as thenceforward to *disown* his *Episcopal Relation* to that particular Diocese. And accordingly with *us*, who have not *now* that Custome of Ecclesiastical Diptychs, owning Men for Bishops of such Dioceses, is the same thing as receiving their Names into the Diptychs, and *disowning* them for Bishops of those Dioceses, will also be the same as *excluding* them out of the Diocesan Diptychs. Particularly the Case of those *Clergy* in the deprived Dioceses will fall under the purview of that Canon, who omit the deprived Bishops, and mention the *Intruders*, in those *Prayers* where it is customary to mention their *diocesane Ordinary*. And now what can our *Titulars* say for themselves, upon the *Principles* of this their so celebrated Author? Do they *own* the deprived Bishops to have still a *Title* in *Conscience* to their Dioceses? How can they then at the same time pretend *themselves* to have a *Title* also, and that in *Conscience*? How can they in *Conscience* justifie their Invasion of those *Thrones*, to which others are acknow-

knowledg'd to have a *Right* in *Conſcience*? Do they therefore, to make way for their *own Right*, deny that of their *Predeceſſors*? But their very *doing* ſo forfeits all the *Rights* they can pretend, not only to the Dioceſes, but their other (a) *ſacerdotal Offices*, by the Doctrine of this Canon, till they can prove what in our Caſe they cannot ſo much as pretend, that their *Predeceſſors* have had a (b) compleat *Comiliary* Hearing, and a *Conciliary* Deprivation. This Canon therefore reaches the *Titulars* themſelves; and not onely *them*, but the (c) *Clergy* alſo of the reſpective Dioceſes who ſhall own or follow them, *they* are alſo liable to the very ſame Sentence of *Deprivation*. The (d) *Laity* alſo of the ſame Dioceſes that ſhall *own* them are to be *excommunicated*, and not *received* again till they *diſown* all Communion with our *Titulars*, who are here called *Schiſmatical*. This will take in all their whole *Bodies*, at leaſt in the *deprived* Dioceſes.

(a) τῶν ἱερατικῶν λειτουργιῶν ἀποπεσόντες καὶ ἐξ ἱερατικῆς ἀποκηρυχθέντες τιμῆς. ὥσθ' ὅσοι τοσοῦτον τῆς πρὸς τὸν ἴδιον καὶ τῶν μητροπολιτῶν ἀφίστανται καὶ χίσιν, ἢ μὴ χίσιν ἀλλὰ κατάστασιν ποιοῦνται, ὅσον ἐπ' αὐτῷ, τὸν οἰκεῖον παύσει καὶ ἀποστερήσει βίον. ἀλλ' οὐκ ἐξ ὧν ἐπιβάλλεται βίον ἔξεσι πᾶσι ἢ ἀναιρεῖσθαι. Can. 13. Synod. AB.

(b) περὶ δὲ Συνοδικῆς διαγνώσεως, ἢ ἐξέλεγξεως, ἢ δὲ ἐπ' αὐτῷ τιμῆς τοιαύτης. Ibid.

(c) οἱ δὲ τούτῳ Συνεπόμενοι οἱ ἀδίκως ἀφορισθέντες ὑπ' αὐτοῦ, ἢ αὐτοὶ δὲ οἰκείας πάσης ἀποστήσας. Ibid.

(d) οἱ δὲ μοναχοὶ ἢ λαϊκοὶ ἀφιερώσαντες σωτηρίας ἀποβαλλέτω, μέχρις ἂν τὸν περὶ τὸν Σχισματικὸν συνάξεως διαλύσωσι, περὶ δὲ οἰκείων ἀναφορὰν ποιείσθω. Ibid.

So it is alſo, by the ſame *Canon*, for *Suffragan Biſhops* to *diſown* their *Metropolitan*, without the like *Synodical Deprivation*.

9. The next *Canon* of that ſame *Synod* here produced goes farther yet, and takes in the Caſe of all the other *Biſhops*, who ſhall be guilty of the like Undutifulneſs to their *Metropolitane*, in leaving his *Communion*, or not mentioning his *Name* out of the Diptychs in the Liturgical Offices. And this Canon alſo is as expreſs as the former, in aſſigning the Caſe wherein ſuch Omiſſions and Defections are allowed as juſtifiable. No other Judgment is allowed as competent in this matter, but that of a *Synod*, the Συνοδικὴ διάγνωσις, as here again the Fathers expreſs it, If any Biſhop do fail in his Duty to his *Metropolitane* before it, he is by this Canon to be **deprived*. And what can our *late Fathers* ſay for themſelves, if they were to be tried by this Canon; they can as yet no more pretend a *ſynodical Deprivation* of their *Metropolitans*, than of their *other* Brethren; yet they have taken upon them to diſown *him*, as well as their otherwiſe *equal* Brethren: They have taken upon them to meet in a *Convocation*, without his *Preſidency* or *Permiſſion*; and would, no doubt, have acted in Matters of great Importance to the Church, if they could have agreed among themſelves. This was a direct Invaſion of his *Right* by the *Nicene* Canon, which makes the Κῦρος, the *Ratification* of what is to be done in ſuch Aſſemblies, to be the *Prerogative* of the *Metropolitane*; yet this they *did*, before they could pretend ſo much as a *Lay* Deprivation. They have ſince proceeded farther, and made new *ſchiſmatical Biſhops*, not onely without his *Leave*, but againſt his *Will*: This is alſo expreſly againſt the *Nicene* Canon, which allows not even a *Majority* of the Provincial Synod to doe it, without the *Metropolitane*'s Conſent for one, though

* τῶν ἄνευ τῆς Ἁγίας Συνόδου καθαιρεθέντων ἐστὶ, οἱ μὲν ὑπὸ τῶν ἴδιων ἀποκηρυχθέντες τοῦ οἰκείου Μητροπολίτου ἢ χίσματα ποιήσας. Can. 14. ib.

though the Bishop so made had *not* been *schismatical*. Yet they have not stopped here; they have presumed to set up his own *Dean* against him, *they* who have sacredly promised Subjection to him as his *Suffragans*; *him* who was under the same *canonical Obligations* and *Promises* too, as an immediate Member of his Diocese. And I need not tell him how scandalous this Case of breaking *Faith* was in the antient Cases of *Arsacius* of *Constantinople*, and *Flavianus* of *Antioch*, not onely to discredit their *Persons*, but to justifie a *Separation* from them; though I do not think that Case alone sufficient to justifie it where the *Scandal* was not injurious to a better *Right*, than that of him who was in possession: But in the Case before us I cannot imagine what they can pretend to avoid this Canon. I do not urge these Canons, as *Laws particularly* obliging *us*, by whom they were never *particularly* and *explicitly* received: Yet if I did urge them as *obliging* without *explicite* Reception, perhaps the particular *Reasonableness* of the Canons themselves would bear me out in it. The *Law of Nations* obliges all particular *civil Nations*, though it be not taken into their Codes of *written Laws*, and therefore not ratified by *express* Reception. The *Reasonableness* of the *Things* themselves, and their *Necessity* for Maintaining Correspondence, are alone sufficient to oblige all *Nations* who will correspond with others, and correspond *justly*. So the Case is here: The securing Subordinations already received and settled, are so much the Interests of *all* Churches, and these *Expedients* are so manifestly necessary for maintaining those Subordinations, that they do as little need *explicite reception* to make them obligatory in *particular Churches*, as the *Laws of Nations* do to make them also obligatory to *particular Nations*. For my present Design it's sufficient that these Canons do at least express the Sense of the *Eastern* Church, and of this Collector, who produces and owns them as Authorities. Hence at least it follows, that *that* Church and *this* Collector owned no *Validity* in Deprivations of Bishops that were not *synodical*, when without this they account all refusals of Duty *schismatical*, whatever *other* Deprivations could be pretended in favour of such Refusals. How was it then possible for this *Collector* to plead *Precedents* for even *excusing* Duty on such *Deprivations*, which he did not think *sufficient* to excuse them? How could he call *Facts* of this kind *Precedents*, and *reason* from them to a *Church* which had by her Rules and Canons so expressly *condemned them*?

10. But Mr. *Hody* did not think this *latter* part, where the Canons are, to belong to the Discourse published by him: Nor will I charge him with any *designed* Disingenuity in suppressing them, though they make so manifestly against the *Cause* espoused by him. I onely desire that his Omission may not prejudice them who shall be pleased again to consult the MS. The Thing it self gives no occasion that I can see for suspecting it to belong to any other Author. The Hand is manifestly the same with that of the Part already published; and this Hand is manifestly

This unpublish'd *Appendix* asserted to the Author.

nitely different from those which are either before or after: It follows also without any new Title, without any *Footsteps* of any that had once been legible, but now defaced, and grown illegible; without any the least convenient *distance* left for a *Title*, if the Author had intended one. But these things are not unusual with the unskilfull Librarians, where notwithstanding the Works themselves so injudicially connected are very different. I grant it, nor would I insist on these things, if there were any great Evidence in the *Matter* itself to the contrary; but unless we will allow our selves a liberty of breaking off arbitrarily and unaccountably, and leaving out whatever displeases us in Manuscripts, we must at least allow these things to pass for *Presumptions*, where there is no *contrary* Evidence: And that is all that need be granted us in this matter. The subject *Matter* of this *Appendix* is so far from affording Arguments for suspecting it as part of *another* Work, that it adds rather farther *Evidence*, that it was really from the same *Author*, and with the same *Design*. The *Canons* are to the same purpose of opposing the *Schisms* now mentioned, as well as the *Historical Precedents*: Both of them together do clear the sense of the *Church*, as well from her *written* Laws in *Words*, as from her *unwritten* ones of *Custome* and matter of *Fact*. And what could be more proper than to join these two together? Indeed the *Facts* alone would not be so argumentative, without the *Canons*; for they are not *bare* Facts, but *approved* Facts, that are fit to be admitted as *Precedents*. And what *Facts* are *approved* by the Church, we can most securely judge by their conformity to her *written Laws*. Besides, this was the Custome of the *Ecclesiastical Rhetors*, to give in their Evidences of both kinds concerning the Questions wherein they were consulted: So *Troilus* the *Sophist* mentions a *Canon* as well as *Examples*, relating to the Case of *Translations*, if he were the Author of that *Collection*, made use of by his Disciple *Socrates*, as I believe he was. So here in the same MS. in the *Collection* fitted to the Case of *Germanus* of *Adrianople*, intruded into the Throne of *Arsenius*, besides the Collection of *Troilus*, there are added many more Instances, and expres Testimonies, out of the *Decretals* of the Popes, *Callistus* and *Anterus*, which in the Discipline of that Age were equivalent to Canons. It should seem that, during the time the *Latines* possessed *Constantinople*, some *Latinizing Greek* translated *Isidore Mercator*'s Forgeries, which from that time were taken for *Law* in the *Greek Church*, as they had formerly been in the *Latine*. This is, I think, the first time we find them mentioned by the *Greeks*: We do not find that their Canonists, who wrote a little before, ever take any notice of them; not *Zonaras*, nor *Alexius Aristenus*, nor *Balsamon*; yet *Balsamon* does mention the Donation of *Constantine*, which I believe was translated from the same Collection of *Isidore*'s Forgeries, a sign that even *then* the *Greeks* began to look into them. But methinks the *latter end* of the Canons of our *Appendix* should put this Matter out of doubt: There it is explained

and

and *limited* what had been ſo often inculcated in the former Diſcourſe, concerning the Liberty which had been allowed of *Separating* in the excepted Caſe of *Hereſie*. Our Author here produced his *Authority* for what he had ſaid as to that Caſe, that his Auditors might underſtand, that (in a Caſe of ſo great importance) he did not preſume to give them any *ſingular* Opinions of his own, but that he inſtructed them in the received and allowed Doctrine of the Church of *Conſtantinople*, to which they were all related. Withall he thereby warned them of the *Cautions* neceſſary in the *Practice* of that Doctrine, that they might not break the Peace of their *Church* in the Caſe then propoſed. Who ſees not how naturally this coheres with the *former part* of his Diſcourſe? It is indeed ſo *natural*, that I once thought them to be the Author's own Words, till I was convinced of my Miſtake, by comparing them with the Canon itſelf, from whence he took them. But it was ſomewhat better for his purpoſe, that he ſhould expreſs his Senſe in this matter rather in his Church's Words than his own. And it muſt have been a wonderfull *chance*, if any Scribbles of a Librarian could have light on ſo fit a place, and ſo appoſite to the precedent deſign of another Author, who thought not of them. He that can believe it, may next believe the *Epicurean Hypotheſis*, That the *World* was made by ſuch a *caſual* Concurrence of undeſigning *Atoms*. All that is pretended to the contrary, is only that this Collection of Canons follows the *Summary* ſubjoined to the former Collection. But this is too conjectural a Proof to be oppoſed to the Evidences now mentioned: yet How do they know but that this very *Summary* is the Author's own? It is in as large a Hand as the reſt of the Diſcourſe itſelf; it is not in *red* Letters, as the like *Summary* is in the Fragment of *Philippus Sidetes*, in this ſame MS. where it was added by the *Librarian*: And it is not unuſual for Authors to add Arguments and Abſtracts of their own Works; ſo did *Pliny* to his *Natural Hiſtory*; ſo did *Gellius* to his *Noctes Atticæ*; ſo has the Anonymous Chronologer under *Alexander Severus*; ſo has *Gildas* and *Nennius* in the later and more barbarous Ages; and What ſhould make the *Librarian* think that *fit* to be done in another Man's Work, that might not alſo make the Author *himſelf* think ſo too? But for our preſent purpoſe I am not concerned, whether this *Summary* was drawn up by the Author, or the Librarian; if the Librarian thought fit to inſert it into the *Text*, (as plainly he has done,) this was the propereſt Place for it, before any other part of the Diſcourſe intervened that was upon another Argument, not of *Facts* but *Canons*.

This Collection therefore can be no *Authority* for our Adverſaries, neither as to the *Stuff* of the *Author*, nor of the *Church* he was concerned for.

11. Thus I have ſhewn that our Author was neither *obliged* by the *Occaſion* of his Writing, nor *could* conſequently to his own *Principles*, deſign to give us a Collection of *Precedents* for withdrawing Obedience on a *Lay*-Deprivation, or for a *Ceſſion* in a Perſon ſo *invalidly* deprived. And now methinks this might excuſe me from deſcending to a particular Examina-

amination of the *Facts* produced by him, which our Adversaries are pleased to call *Precedents*: For what if in the History of so many *Centuries* as are here accounted for, there might be found some *Instances* wherein Christian *Emperours* were partial in favour to themselves, and chalenged more *Power* than did really belong to them? And what if Christian *Bishops* for *Peace* sake submitted, not waving the *Right*, but bearing the *Injury*? What and if the Clergy and Laity did sometimes, as they do now, fail in their *Duty* of *adhering* to them? It is yet sufficient for our present purpose, that this was no design'd Collection of such pretended *Precedents*; that therefore if any of these *Facts* should prove so, that was beside the *Meaning* of the Author; that his *Authority* ought not to be concerned for them; that neither his *Judgment*, nor the Judgment of the *Eastern* Churches, can ever recommend such *Facts* for *Precedents*, which were so disagreeable to their Rules and Canons. If therefore our Adversaries will make *Precedents* of those *Facts* which were condemned by this Author, by the Doctrine of those very Churches where they were committed, this is plainly reasoning otherwise than they can justifie by any *Authority*: For what *Authority* can it be that they will insist on for making such *Facts* pass for *Precedents*? Is it that of the *Eastern* Church? But her Doctrine will not allow our Adversaries to *disown* our *deprived Bishops*, or to set up *Antibishops* against them, on account of such *Lay*-Deprivations. Is it the Authority of this *Collector*? But he owns *these* Doctrines for the Doctrines of his own Church, which are so *inconsistent* with our Adversaries Practices. Or, Is it, lastly, the Authority of the *Princes* themselves, who were *concerned* in the *Facts* here enumerated? But it is certain *Princes* doe many things which they never do so much as *pretend* to *justifie* by *Principles*: And yet it is withall certain, that no *other Facts* but such *avowed* ones ought in reason to pass for *Precedents*; and for knowing what they do *avowedly* justifie, no better Expedient can be found, than to *appeal* to the Doctrine of the Church that was *owned* and *protected* by them, which they took for the *Guide* of their *Consciences*. Thus it will come to pass, that if any of the *Facts* here mentioned should prove for our Adversaries purpose, yet seeing they could not be *well* done, as to the Consciences of the *Persons* concerned, our Adversaries must not *presume* them well done, but *prove* them so independently on the *Persons*, before they can make *Precedents* of them, and reason from them as Authorities; and then what will they gain by this *celebrated* Collection, when it will leave them to the Tryal of the *Merit* of their Cause as much as ever?

The Case of *Meletius* in *Antioch.*

12. However to gratifie them as far as we may, let us now descend to Particulars. The first is that of *Meletius*, who was set up in the Throne of *Antioch*, while *Eustathius* his Predecessor was yet living; yet he was owned as Bishop of *Antioch* by St. *Basil*, and St. *Chrysostome*. But *Eusta-*

Eustathius was deposed by a * *Synod*, perhaps of Bishops secretly favouring *Arius*, but not as yet declared an *opposite Communion*. The *Synod* indeed charged him with *Sabellianism*; but it was no otherwise than as they who favoured *Arianism* used to charge the *Catholicks* in general; nor did the *Catholicks* understand it otherwise. The chief *Pretence* of depriving was a *Crime* of *Life*. False indeed it was, but of that the *Synod* was to *judge*, though they judged *corruptly*. His onely Remedy had been to have appealed to another *Synod*; but that he did not think fit to try: Yet till he did so, the Throne was fairly *vacated*, and he could pretend no *Right* in *Opposition* to *Meletius*, who was also set up by an *Ecclesiastical Authority*. The Canons of *Antioch* made after his *Deprivation*, but before the *Translation* of *Meletius*, and urged afterwards against St. *Chrysostome*, and since received into the Codes and Canons of the *Universal* Church, allowed him no *Remedy* but that of another *Synod*, and that a more numerous one than that which had deprived him. Had he so much as attempted it otherwise, he had been cut off by that same Canon, not onely from all hopes of Restitution, but from being admitted to a Tryal of the *Merits* of his Cause. I will not now call in question his being *alive* after *Meletius* was set up, because it is expresly attested by *Socrates* and *Sozomen*, and among others by *Nicephorus* in his MS. *Catalogue of Patriarchs*; especially so remarkable Passages in *History* depending on it, that of the Banishment, not onely [illegible]*himself*, but of *Evagrius* (whom he had consecrated Bishop of [illegible]) by the Emperour *Valens*. This had been enough for our purpose, though the *synodical* Deprivation had not been chargeable against him, that he lay *hid*, even after the liberty he had of returning from his *Exile* by the Edict of *Julian*; that he did not *appear* to *challenge* his *right*; that they of *Antioch* did not *know* that he was in *being* to challenge it. This had made the Throne itself a *Derelictum*; this made *Meletius* a *Possessor bonæ Fidei*, and sufficiently excused all who paid Duty to him. Undoubtedly *Lucifer Calaritanus*, who set up *Paulinus* in opposition to *Meletius*, whose return from *Exile* was then expected, would never have done it, if he had any thoughts or hopes of the *Return* of *Eustathius*. *Eustathius* was not onely as *orthodox* as *Meletius* himself, but was free from the Charge brought against *Meletius*, that of an *Arian* Ordination. *Meletius* therefore being thus secured against the Title of *Eustathius*, nothing could then be pretended against him, but his *receiving* his Power from *Arians*. But their *Heresie* was not then so manifest, when *he* was brought into *Antioch* by them; all that was required from *him* was to subscribe the Creed of *Selucia*, drawn up *Sept.* 27. 359. the year before he was translated to *Antioch*, and that expresly condemned the * *Anomæans*, and laid aside both Words, that of ὁμοούσιον as well as ὁμοιούσιον, as *unscriptural*: Nor did the *Catholicks* so much insist on the word ὁμοούσιον, where they could otherwise be satisfied, that no ill sense was intended in avoiding it. This was the onely Reason that could

* Συνόδου δὲ ἐν Ἀντιοχείᾳ πεισάσης τοὺς κρατοῦντας Εὐσταθίου. *Soc. l. 1. c. 24.*

Συνόδου ἐν Ἀντιοχείᾳ γενομένης ἐπὶ Εὐσταθίου ἐπισκόπου Ἀντιοχέων ἐκκλησίας. *Soz. l. 2. c. 19.*

* See the Creed in *Soz. l. 2. c. 40.*

could make any *orthodox Perſon* join with the *Arians* in bringing him to *Antioch*, who otherwiſe owned no *Communion* with them, when they once *declared* themſelves. And as ſoon as they who brought him to *Antioch* owned themſelves *Anomœans*, as they did ſoon after, *Meletius* never prevaricated, but proteſted *openly* againſt them. And why ſhould that be made an *Exception* againſt him, that he was made Biſhop by *them* who, *after* they had made him ſo, *declared* themſelves *Arians*? This was looked on as a rigour in *Luciſer*, by his Fellow Confeſſor, *Euſebius Vercellenſis*, and *Athanaſius*, and the *generality* of the Catholick Church: And if he was guilty of no *incapacitating Hereſie* at his firſt coming in; if he *owned* the Catholick *Faith* publickly before the Conſecration of *Paulinus*, and had been a *Confeſſour* for it; if even thoſe who gave him his Orders had not yet declared themſelves *Arians*, nor a *diſtinct Communion*, *when* they gave them; what Reaſon could there be to queſtion his Title before *Paulinus* was ſet up againſt him? If there was none, the *other* Conſecration being into a *full* See, muſt have been *ſchiſmatical*. Thus we ſee how agreeable it was to the Canons and Diſcipline of the *Church*, that St. *Baſil* and St. *Chryſoſtome* ſhould *own* the Communion of *Meletius* in oppoſition to *Paulinus*. It does not appear that ever they did ſo in oppoſition to *Euſtathius*: Yet even in this Caſe it is obſervable, that all thoſe *Catholicks* who never from the beginning communicated with *Meletius*, and who joined with *Luciſer* and *Paulinus* againſt him, owned other Reaſons beſides *Hereſie* ſufficient to *juſtifie* their [illegible] from him. They did not, they could not charge him with [illegible] after he had publickly declared for the *Nicene* Faith; they never charged him, as we can our preſent *Intruders*, with *Injury* to any other Perſon, whom they ſuppoſed to have a better *Title* to his Throne, neither to his Predeceſſor *Euſtathius*, nor much leſs to *Paulinus*, who was conſecrated after him. The onely thing they charged him with, was the *Original Invalidity* which they ſuppoſed in his Conſecration by thoſe who afterwards declared themſelves for *Arianiſm*. And could they believe a lawfull Power neceſſary to *confer* a Title, and not as neceſſary to *take it away*? Rather *Laws* are favourable to *Poſſeſſours*, and require more to take away an Office, than to keep one in Poſſeſſion whom they find ſo. They therefore who were ſo difficultly reconciled to *Meletius*'s being *Biſhop*, purely on account of the *original Want* of Authority in them who made him ſo, muſt by the ſame parity of Reaſoning much more have diſliked the *Deprivation* of our preſent Biſhops, on account of the *Want* of Authority as to *ſpirituals*, and to *Conſcience*, in them who have deprived them. However he is a clear Inſtance againſt our Adverſaries, and againſt the *Collective Man* himſelf, of *Catholicks* who *owned*, and owned by *Principles*, that *Orthodoxy*

* So *Socrates* concerning the *Meletians*, ὑστερ' ἐλθὼν πὸς Ζωσιμᾶς ἐπείσθη ὑπ' αὐτῶν ἐξ ἀρχῆς φρονεῖν καὶ διαλέγεσθαι αὐτοῖς καινοτέρως, λέγω δὲ Ἀρειανῶς. *Lib.* 4. *c.* 12. So elſewhere *Paulinus*, the Rival of *Meletius*, pleads againſt him: ὑφ' ἑαυτὸν ἐποιήσατο τὸν Ἀρειανῶν χορὸν πρεσβεύσας. *Lib.* 3.

alone, without a good *Title*, was not ſufficient to excuſe communicating with him whoſe *Title* was thought deficient: For this was their Opinion concerning this Caſe of *Meletius*, that he was indeed *orthodox*, onely having an *original* Defect in his *Title*, they thought themſelves on this very acccount obliged to forbear his *Communion*. How could they then have thought it ſafe to *communicate* with Biſhops ordained into Sees not otherwiſe *vacated* than by an *originally invalid Lay*-Deprivation of their Predeceſſors?

13. The next Caſe is that of St. *Chryſoſtome*. It is indeed the firſt in the *Summary* ſubjoined to it; probably becauſe it was the firſt in the Church of *Conſtantinople*, for the uſe of which this Collection was originally deſigned: Or, perhaps rather becauſe that other Caſe of *Meletius* was produced onely as another Evidence of the Opinion of the ſame St. *Chryſoſtome*. This is the Caſe which the Author is largeſt upon, as deſerving the particular conſideration mentioned in the Introduction to it: The reaſon I have now given, becauſe it ſeems to have been moſt of all inſiſted on by the *Arſenians*, as moſt appoſite to the Inſtance for which they were concerned. But, 1. This Deprivation was *ſynodical*, and by two different *Synods*, the former that *ad Quercum*, that deprived Saint *Chryſoſtome* for *not pleading*, but queſtioning their Juriſdiction upon an *Appeal*; the other that of the following year, which *denied* him the Liberty of *Pleading* upon the Citation of *Antioch*, for coming in again, not without a *Synod*, but by one which they pretended *leſs numerous* than that which had deprived him formerly: So far is this from our preſent Caſe. And, 2. Even as to the abetting this holy Perſon's Caſe, as to the Injury done him by an otherwiſe competent Authority, far the *greater part* of the *Church* was concerned *againſt* the *Deſign* of this *Collector*; if to the *Eaſtern Joannites* we add the unanimous Conſent of all the *Weſtern Churches*: They ſeparated from the Communion of his Deprivers notwithſtanding their acknowledged *Orthodoxy*; and that not onely while Saint *Chryſoſtome* was *living*, but after his *Death* alſo, till an honourable *amends* was made to his *Memory*. This, how clear ſoever it was againſt our Author's *general Remark* in his *Preface*, and elſewhere; yet he neither *denies* nor pretends *to anſwer*, as if he were conſcious to himſelf he could not do it: Onely he prevents a farther *conſequence* drawn from it by the *Arſenians*, for *unravelling* all the Orders derived in a *Succeſſion* from the *Arſenian Intruders*, after the *Perſon* was dead who had been *injured* by the *Intruſion*. This alſo is none of *our Caſe*, wherein the *injured Biſhops* are *living*; yet even concerning that very Caſe, he words his Obſervation ſo as to own that they might, if they pleaſed, have called in Queſtion the preſent *Orders* derived from the *Intruders*. He ſays indeed that the Church did not call in queſtion the Orders given by *Arſacius* nor *Atticus*, though *Atticus*, beſides his *Intruſion*, was guilty alſo of what this Author himſelf owns to have been a *Perſecution* againſt the *Joannites*; ſo far he,

Of St. *Chryſoſtome* in *Conſtantinople*.

is from condemning even their *Separation* on this account. He says that *Atticus* and *Sisinius* were commended by Pope *Celestine*, though they both of them derived their Succession from that same *Intrusion*; and though the Bishops of *Rome* were the most zealous Advocates for St. *Chrysostome*. He says the same Flaw descended to *Proclus* also, St. *Chrysostome's* Disciple, and the Friend and Reconciler of the *Joannites*: Nay, to *Nestorius* also, the *Heretick*, who gave occasion for assembling the Synod of *Ephesus*; yet the Synod questioned not even [illegible] Orders, on account of the *original Defect*, if the *Persons* who had received them did not partake in his *Heresie*; but that they *did* not do it he imputes to their not being willing ἀκριβολογῶν, plainly implying, that in rigour of *Justice* they *might* have done it. He says, that even *Severianus* of *Gabala* and *Acacius* of *Berœa*, the principal Architects of the Injustice to St. *Chrysostome*, though accused to Pope *Innocent*, yet suffered no *canonical* Censure for it; not that they *deserved* none, but that the Pope referred them to the *Divine Vengeance*. Still he confesses that the Case *deserved* Vengeance from *God*, even where *none* was attempted by *Men*. And in the end of the Discourse he says, that, excepting the Case of *Heresie*, the Church never made ἀκριβολογίαν τοιαύτην. If the Case he reasons against be *strictly Justice*, how can he reason from these *Precedents* universally, without regard to *Circumstances*, that even *strict Justice* is never to be exercised? Yet he could make no universal *Observation*, even in his *own* Cases, that *Right* was *never* to be defended. He does not observe it concerning St. *Chrysostome* himself, though his *Editors* observe it for him: He could not observe it as the sense of the more numerous *Joannites*, who defended his *Right* whether he would or no, and at last carried the Cause against his Adversaries, that his Name was at length received into the *Diptychs*, and that he was thereby *owned* to dye *Bishop* of *Constantinople*, notwithstanding the two *conciliary* Deprivations. The one Observation therefore that he does or could make *truly*, was, That all the *Successions* were not scrupulously inquired into, that depended on the Authority of the *Intruders*. Those were left to *God*, on a *Presumption* grounded on their *Possession* with at least a *disputable* Title. But that is a Case we are not concerned for at *present*.

Of *Flavianus*. 14. The third Case is that of *Flavianus*, deposed from the same See of *Constantinople* by *Dioscorus*, against whom our Author supposes *Anatolius* to have been set up, whose *Consecration* was notwithstanding never questioned, because of his *Orthodoxy*. But this *Deposition* our Author himself owns to have been *conciliary*, though by a *Synod* very *infamous*, afterwards stigmatized by the name of λῃστρικὴ, or *Latrocinial*, for the *Violence* used in it. Then it appears not, that ever *Flavianus* did in the least *submit* to that *Synod* itself: He had before appealed, and his Appeal was then depending when they murthered him. Then for my part I can see no reason to believe that *Anatolius* was set up against him, or placed

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in the Throne before it was *empty* by the *Death* of *Flavianus*. *Victor Tunnunensis* makes *Anatolius* set up under the following *Consuls*. Possibly it might be because the first *News* of his Promotion came to *Africa* under those *Consuls*. That second *Synod* of *Ephesus* was called the 1st of *August*, under the Consulship of *Asterius* and *Protogenes*, for the Year of our *Lord* 449. But their *first* Meeting was not till the 8th of that same month, or the 15th of *Mesori*, in the Language of *Dioscorus*. Certain it is, that it was after *this* time that *Flavianus* was *deposed* and *murthered*: But we have not so distinct an account of the Actions of this Council, repeated in the Council of *Chalcedon*, as to be able to ascertain the *time* particularly. Pope *Leo*'s Epistles help us best to judge of it; onely we must allow him the time to receive his Information. *Leo* tells us that *Flavianus* had *suffered many things* in an Epistle dated *Septemb.* 29. Perhaps he was before that deposed: For the same *day* the same *Leo* wrote another Epistle to the Emperour *Theodosius*, for a Council in *Italy*, probably on the account of *Flavianus*'s Appeal upon his *Deposition*. In another Epistle of *Octob.* 13, he warns *Anastasius Thessalonicensis*, that he should not consent to the Condemnation of *Flavianus*. In another of *Octob.* 15. he is very earnest that no *Successour* should be ordained into his Place. In another of the same date he has these words concerning *Flavianus*, *in quo utiq; omnium Domini Sacerdotum Reverentia cadatur, & universa corporis Christi Membra pulsantur.* These seem to be the *Kicks* he received, as some say, from *Barsumas* the Monk, others from *Dioscorus* himself; probably enough from *both* of them, of which he dyed within three days. That he dyed of *Kicks* the *Synodicon* owns; and that he dyed in their Hands by whom he should have been carried into *Exile*, we have the Testimony of *Prosper*, an Author of that Age; so that he could not *reach* the place of his Banishment, as some other less considerable Authors conceive: And very probably those Violences to *Flavianus*'s Person, and to the other Bishops also, to oblige them to subscribe his Condemnation and Deprivation, were the *Reasons* that made *Hilarus* fly from *Ephesus*: So the *Violences* must, in all likelihood, have been offered *before* he left the place; and he might bring *News*, if not of his *Death*, yet that his *Bruises* were such as would in all probability prove *mortal*. This might be the *Reason* why, among the Letters of this latest date there are none to *Flavianus* himself. *Leo* might not think it fit to write Letters that were not likely to reach him *alive*, but would be exposed to the danger of falling into the hands of *Enemies*. This I think is the *latest* date of any Epistle written by *Leo* that mentions *Flavianus* as yet alive. And very probably the News of his imminent Death stopped him from proceeding any farther: So *Nicephorus* xiv. 40. Thus it appears that the *last* mention of *Flavianus* supposes that he had, as yet, no *Rival* set up against him. Plain it is, that they did not set up *Anatolius* at the same time that they deposed *Flavianus*; and it is not likely that there was any *long* respite between his *Deposition* and his *Death*.

Ep. 42. *in Edit. Pasch. Quesn.*

Ep. 43. *Quesn.*

Ep. 45 *Quesn.*

Ep 47. *Quesn.*

Act. Concil. Chalced.

Evag. l. 2. *c.* 11.

Nicephor. Eccl. Hist. xiv. 47.

Zonar.

Flavianus certainly was murthered before the breaking up of the *Synod*, whilſt *Dioſcorus* had yet his Guards about him: And it ſeems to be the *diſſolution* of the *Synod* that breaks off the courſe of *Leo*'s Letters, till the following Year. As for *Anatolius* himſelf, we have no Actions of his that give us any reaſon to ſuſpect that he was in *Office* before the Year aſſigned by *Victor*. The firſt thing it concerned him to take care of for ſetting his Communion with the *Weſt*, was to put out a Confeſſion of his Faith, according to the Cuſtome of that Age: The rather, becauſe of the late ſuſpicion on account of *Eutyches* who had lately been cleared by *Anatolius*'s Friends. This he indeed delayed; poſſibly to ſee what effect the Letters of *Valentinian* and *Placidia* would have with his Emperour *Theodoſius*. Nor did *Leo* receive his Confeſſion till about *Eaſter*, of the year 451. Before that time it is probable *Theodoſius* had put *Chryſaphius* to death, which obliged *Anatolius* to take this courſe when he found the *Eutychian* Intereſt declining, and that it would be no *longer* able to ſupport him. Yet the firſt Complaint againſt him for not doing it is in an Epiſtle of *Leo* to *Pulcheria*, bearing date *July* 20. 450. We ſhould in all likelihood have had earlier ones, if *Anatolius* had ſucceeded, as our Author fancies, whilſt *Flavianus* was yet living, in the year 449. The beſt Teſtimony we have that aſſures us that *Anatolius* was preferred under the Conſuls of the year 449. is a Fragment of *Theodorus Lector*, preſerved in the 2d *Nicene* Council, which *Baronius* did not think of. And particularly it is obſerved by *Zonaras*, that *Dioſcorus* concerned himſelf in that which did not belong to him, the making of a Biſhop of *Conſtantinople*: But the Reaſon *Zonaras* gives why he did ſo, and why he recommended his own *Apocriſiarius* to the place, ſhews that it muſt have been *after* the Death of *Flavianus*. That Author tells us, that it was the Fear *Dioſcorus* was in that put him upon it: He therefore ſuggeſts to *Chryſaphius*, the Author of all theſe Miſchiefs, that he would perſuade the Emperour to name *Anatolius* to the Throne of *Flavianus*, hoping thereby to gain two Points, (as the ſame Author obſerves,) very neceſſary to his ill Deſigns: One was, that *Eutyches* might be continued in the *Conſtantinopolitane* Communion, to which he had been reſtored; another was, that he might thereby prevent any *accurate Enquiry* into the Matter of *Flavianus*. Plainly it appears by this Account of the Affair, that the Fear *Dioſcorus* was in was that of being called to Account for this *Murther*; which being the *Cauſe*, muſt therefore be *antecedent* to his Interpoſition for a *Succeſſor*. This is certain; it was not proper to interpoſe for a *Succeſſor*, till they had firſt deprived *Flavianus*: And thoſe *Bruiſes* being given him at the very time of his *Appeal*, which was immediately upon his *Depriv*ation, it thence appears, that there were onely three days reſpite between his *deprivation* and his *death*; which is by much too ſhort a time to write from *Epheſus* to *Conſtantinople*, and to receive a Return; ſo impoſſible it is that *Anatolius* could have been ſet up *before* the *death* of

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Flavianus, or that he could have made any Cession to *Anatolius*, as our Collector fansies. He did not withall consider how unlikely it was that *Flavianus* should pay any Deference to *Anatolius* at *that time*, on that very account which himself excepts from any *Obligation* to such *deference*, that of *Heresie*. *Anatolius* himself was at that time justly *suspicious* of it, as coming in by *Eutychian* Interest; nor did he, till some time *after*, doe any thing to *purge* himself from that *Suspicion*. Nay, we are told, that at the very time *Dioscorus* designed him for the Place, he *communicated* with *Eutyches*. Nay more, that *Dioscorus* recommended him for that very reason, that he might thereby continue *Eutyches* in the Communion to which he had restored him: How therefore could *Flavianus* yield to *Anatolius*? How could our Author, if he had done it, *commend* him for it, and plead his Fact as a *Precedent*, so contrary to his own *Principles*? Yet if our Author's Observation prove *mistaken*, and *Anatolius* did not succeed till after *Flavianus*'s Death; his whole Reasoning will fail *him*, will at least fail our present Adversaries, for obliging wrongfully *deprived* Bishops to a Cession of their Title to *schismatical* Usurpers. All the ground he has to think *Flavianus* was then *alive* when *Anatolius* was possessed of his Throne, is onely *Guess*, not any competent *historical* Testimony. He refers us, in the end, after this manner, to the *Acts* of that second *Ephesine* Synod; I suppose as we find them still extant in the Council of *Chalcedon*. But there we find nothing concerning the *Consecration* of *Anatolius*; not so much as whether *Dioscorus* and the *Synod* were any ways concerned in it, or whether it was done before the *Synod* was dissolved: So far we are from learning *thence* that he was set up *before* the *death* of *Flavianus*. He might think it more to his purpose what he has observed out of the Epistle of Pope *Leo* to the Emperour *Marcianus*, where that Pope pretends, that it was the *Orthodoxy* of *Anatolius*, (no doubt as signified by his *Confession* of Faith, which he had at length received from him,) that hindred him from *enquiring* too scrupulously into his *Ordination*: But the *delays* he used before he sent that *Confession*, made him justly liable to *Suspicion*, together with his Personal *Interest* in the *Eutychians*, though he had otherwise received no Consecration from them. And the uttermost that can be conjectured from hence was, that he had received his *Orders* from their hands, not that he received them whilst *Flavianus* was yet alive, much less that *Flavianus* himself had made any Cession to him on account of his *Orthodoxy*. Thus the Case had not been like *ours*, of a *schismatical* Invasion of a *Right*, to which another had a *better Title*, but of a Title *defective* indeed, (in regard of the Authority from whence it had been derived,) but not *injurious*: That *is*, it had been a Case like that of *Meletius*, and *Catholicks* would have been *here* as much as *there* divided in their *Opinions* concerning it. If the Council of *Chalcedon* did not enquire concerning it, yet *Leo* certainly thought he might lawfully have done, it when he upbraids his not doing it as a Kind-

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ness to *Anatolius*, in his Disputes with him concerning the Canon made in that Council of *Chalcedon* equalling the See of *Constantinople* to that of *Rome*.

In the time of *Anastasius Dicorus*, 1. The Instance of *Euphemius*.

15. I come now to the Time of *Anastasius Dicorus*. And here our Author has several Examples; the first is of *Euphemius*, whom he calls constantly *Euthimius*, both here, and in the *Summary*, as also *Eutychius*, and *Cedrenus*, and *Metaphrastes* do, such other Authors as himself; and not only they, but also the Fathers of the VIIth General Council, *Act. 6.* *Nicephorus Callistus* does constantly call him *Euphemius*, both in his extant *History*, and in his MS. Catalogue of *Patriarchs*. But as little as *Anastasius* loved this *Euphemius* upon old accounts, yet he durst not deprive him without a *Synod*; no, though his immediate Charge against him was a secular Crime, that of his being pretended to have favoured the Emperour's Enemies the *Isaurians*. This is like what is *now* pretended against our present H. Fathers; yet it is certain he had a *synodical* Deprivation: So * *Theodorus Lector* and *Theophanes* tell us expressly. It was indeed by Σύνοδον ἐνδημοῦσαν, of the *Bishops* then in *Town*, whose Authority though it was questioned for the greatest Affairs (as appears in the 4th Action of the Council of *Chalcedon*, and the Dispute of *Maximus* with *Pyrrhus*,) yet was often made use of in such occasions as these, and was by the Canons of the Church sufficient and obliging, till a *greater* number of *Bishops* could be persuaded to *restore* him. Till he could get such a Number to do it, it was the Duty of *Euphemius* to acquiesse in the Deprivation, and to *communicate* with his *Successor*; and it will be our *present Bishops* Duty also to doe so, when this can be proved to be their Case. And indeed I know no other Evidence of his communicating *with* his Successor, but that he did not set up a Communion *against* him.

* Ἀναστάσιος ὁ βασιλεὺς τὸν ἀπὸ Σελεύκης Γ' Ἰσαυρίων ἐπίσκοπον Εὐφημίου ἐξ ὧν κέκτηται πατριάρχης τὸν Σύνοδον ἐνδημοῦσαν ἀπελάσας, εἰς τὴν βασιλικὴν χαρτοζήλιον ἀκατονόμαστον καὶ ἀνδρα ἱερωμένον ἐπιτρέπει. *Theod. Lect. L. 2.* Συναλγήσας ὁ βασιλεὺς τῇ ἐνδημούσῃ ἱερωσύνῃ κατὰ Εὐφημίου ἐπεβάλετο τὸν βασιλικὸν ἀπιόντα καὶ εἰσδέχεσθαι ἐψηφίσατο. *Theophanes.*

2. Of *Macedonius*.

16. In the Case of *Macedonius* the Emperour's Rage did somewhat precipitate him; he had him forcibly seized, and sent immediately into *Banishment*, without so much as the Formality of a *Tryal*: The rather so, because he feared the *People* would not endure it, such a Zeal they had for *Macedonius*, and the Cause defended by him. Afterwards he bethought himself, and got an *Assembly* that did his business for him: They took upon them at the same time the Persons of *Witnesses* and *Accusers*, and *deprived* him *absent* and in *exile*; and when they had done so, they notified the Sentence to him by *Bishops* and a *Presbyter* of *Cyzicus*: So *Theophanes* tells the Story. No doubt it must have been a *Synod* that proceeded after the receiv'd way of *Synods*, in notifying their Sentence by *ecclesiastical* Persons. However our Author says, that he communicated with his Intruder *Timotheus*: So he might possibly interpret *Macedonius*'s Exile and *submitting* to it, as he seems to have done that of *Euphemius*, in relation to

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the Case of *Macedonius*. In this case, certainly it neither could have been *true*, nor could he have any good *Testimony* for him to believe it so. When the Bishops came to *notifie* the *Sentence* to him *Macedonius*, asked them, whether they owned the Council of *Chalcedon*? And when they durst not answer him positively, he asked again, Whether if the *Sabbatians* and *Macedonians* had brought him the like *Sentence*, they would think him obliged to *acquiesce* in it? Is not this a plain Exception against their *Authority* as *Heretick*, for not receiving that *Council*, and a *Protestation* against their *Sentence* as *null* and *invalid*, and a disowning any Obligation in *Conscience* to submit to it? And what needed *Timotheus* to fly into that Rage against the *Name* and *Memory* of *Macedonius*, if what our Author says had been true, that *Macedonius* owned any *Communion* with him? Why should this same *Timotheus* refuse to *officiate* in any *sacred* Place, till he had first defaced the *Pictures*, if he found any, of *Macedonius*? Why should he prosecute *Julianus* only for being his Friend? How came it to pass that when the Emperor sent forth his *Edict*, for subscribing the *Condemnation* of *Macedonius*, together with the *Synodical* Letters concerning the Consecration of *Timotheus*; the more *constant* Adherers to the Council of *Chalcedon* would subscribe neither of them, and even the *weaker* would not subscribe the *Deprivation* of *Macedonius*, which notwithstanding in consequence subverted the Succession of *Timotheus*? Why should *Timotheus* bring up the use of the *Nicene* Creed more frequently than *Macedonius* had done, purposely to draw odium upon *Macedonius*, if there had been *Communion* between them as our Author would persuade us? What needed then all those *Persecutions* and *Violences* against the *followers* of *Macedonius*, but only to *force* them to the *Communion* of *Timotheus*? Why did *Juliana*, as an Assertor of the Council of *Chalcedon*, *refuse* the *Communion* of *Timotheus*, if it was not manifest that the difference was such as broke *Communion*? Why should the *Prefect* of the *Studite* Monks *refuse* to receive *Consecration* from him who had condemned the Council of *Chalcedon*, if it had not been *notorious* that he had *condemned* the Council, and was therefore an *Heretick*, and of another *Communion* from them who owned that Council, in defence of which *Macedonius* had been banished? He did indeed, to please them, *Anathemize* those who had *Anathematized* that *Council*; but when the Emperor expostulated with him concerning it, he pretended to mean his *Anathematism* against those who *received* the *Council*: So true he was to his *Heresie*. One would admire whence it was that our Author came by that good Opinion he had of this *Timotheus*, as if he also had been a *Catholick*; and the 3d *Catholick Bishop* of *Constantinople*, who had been *deprived* by *Anastasius*. Neither of these things were *true*, nor *affirmed* by, I believe, any one good *Historian*. Our MS. *Catalogue* of *Patriarchs*, by *Nicephorus Callistus*, has either Marginal or Interlineal *Censures* of the *Patriarchs*, whether *Orthodox* or *Heretical*; in all likelihood, according to the received Opinions of the Time

Theoph. & Nicephr. E. H. xvi. 26.

Theod. Lect. 2. Niceph. xvi. 26.

Theoph.

Theod. Lect. l. 2.

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Theod. Lect. l. 2.

Theoph.

and Church where these Observations were made. There in an *interlineal* Note, over the place where he speaks of *Timotheus*, we find him called Σκοπαχίτης. It is of no great consequence to our purpose, whether this Note was from *Nicephorus* himself, or some *Constantinopolitane* Librarian; either way it will shew the received Opinion of the Modern *Constantinopolitanes*. So also in the *Iambicks* concerning the *Patriarchs* published before the I Volume of the *Byzantine Historians*, *Timotheus* is with some Indignation called ἀπὸ Σκοπαχίτης, by which we see how unworthily our present *Rhetor* expressed himself on this occasion, even with reference to the sense of his *own* Church. The only *occasion* of his Mistakes, that I can think of, is that he injudiciously followed the Authorities of *Flavian* of *Antioch*, and *Elias* of *Jerusalem*, as related by *Cyrillus Scythopolitanus* his Author, and a very good one in these Matters. That Author says indeed, that those two Patriarchs assented to the *Synodical* Letters for *Timotheus*, though they would not to the other Letters that came with them concerning the *deprivation* of *Macedonius*. This, I suppose, gave him occasion for his good Opinion of *Timotheus*, that those great Men, afterwards such *Sufferers* in the same Cause, as yet rejected not his *synodical* Letters. Our Author was very well aware, that if they owned the Communion of an *Heretical* Successor, their *Examples* must have been faulty, and could not be pleaded as *Precedents* by his own *Principles*; and it seems he was not aware how notorious it was, that this was indeed the Case of *Timotheus*. But *their* Behaviour herein was exactly the same with the Behaviour of those whom *Theophanes* censures as weak; so far he is from our Author's Opinion, in making it *exemplary*: And it is plain *Macedonius* and *Timotheus* differed not only as *Rivals* of the same *See*, but also as *Heads* of different Communions: How then was it reconcilable to any *Principles*, to own *Timotheus* without disowning *Macedonius*? Only the receiving *Timotheus* might, as for a while it did, keep them in their Thrones.

Theoph.

Euphemius, Macedonius, Flavianus, and *Elias*, were so untrue to *Principles*, that it is not easie to gather from their *Facts* what even themselves thought agreeable to *Principles*.

17. The Truth is, *these* Men were *all* so fickle and *untrue* to *Principles* for a long time, that it is impossible to gather from their bare *Facts* what they did *consequently* even to their *own Principles*. *Euphemius* himself, though he afterwards declared himself *Synodically* for the Council of *Chalcedon*, yet came in at first upon the *Henoticon* of *Zeno*: So also was his Successor *Macedonius* at first brought in on the same Condition of owning the same *Henoticon*: So *Theodorus* and *Theophanes*. Accordingly the Emperor's Instruments got from him a *Confession of Faith*, mentioning neither the 3d nor 4th Councils; upon which his People of *Constantinople* deserted him till he returned to own the Council of *Chalcedon*: so we are told by a Coæval Monument of that Age, an Epistle of the *Palestine* Monks to *Alcyso* in *Evagrius*. How could *Euphemius* then own his Communion, even by our *Author*'s Principles, as of an *Orthodox* Successor? This was about the end of the Year 495. *Cedrenus* tells us, he again relapsed

Evagr. III. 31.

lapſed to his *Henoticon* in the 8th Year of the ſame Emperor *Anaſtaſius*, that was about the Year 499. After he again *declared* for the Synod of *Chalcedon*, with that Zeal, as that he Anathematized *Flavianus* and his Legates for declaring againſt it. This was the 19th Year of *Anaſtaſius*, if we may truſt *Theophanes* concerning it; that is, about the Year 510. Not only ſo, but a little before his *Expulſion*; that is, in the 21ſt Year of the ſame Prince; that is, after the beginning of *April*, 511. *Celer* again prevails on him to receive the *Henoticon*, and to omit the 3d and 4th Council as he had done formerly, though he preſently *retracted* it, and was therefore immediately *baniſhed*: Nor was *Flavianus* of *Antioch* more conſtant than he. Immediately on his coming *into* the See, no doubt the bigotted Emperor made him ſpeak home to his Cauſe, before he would permit him; and accordingly *Victor Tununenſis* tells us, that in a Synod of *Conſtantinople*, under the *Conſuls* of the Year 499, (if he be more to be truſted here, than uſually he is, in aſſigning *Years*,) he condemned the *Tome* of *Leo*, and the Council of *Chalcedon*. After this *Cyrillus Scythopolitanus* ſays, he joined with *Macedonius* and *Elias* in defending the ſame Council. Again in the 18th Year of the ſame Reign, that is in the Year 509, he declares as high for the *Eutychians* as themſelves could wiſh: He *Theoph.* condemns the Council of *Chalcedon*; He condemns the Confeſſion of *two Natures* in our Bleſſed Saviour; He condemns all the *Perſons* concerned in the Diſputes concerning the *tria Capitula*, who had been *abſolved* in the Council of *Chalcedon*, and the *Council* that abſolved them. And the next Year he was *condemned* himſelf for condemning them, as we have ſeen, by his old Friend *Macedonius*. But he recovered himſelf again, and again provoked the Emperor, who therefore aſſembles the Council of *Sidon*, purpoſely to overthrow the Council of *Chalcedon*, and to depoſe *Flavianus* and *Elias* from their Sees: This affrights them both, and they ſend *Saba* to intercede for them to the Emperor, with *flattering* and *trimming* Letters. Thus *Flavianus* eſcaped that Storm, and the Council of *Sidon* was diſmiſſed without doing any thing againſt him: This was in the Year 512. Immediately he returns to his old *Orthodoxy*, which puts the Emperor out of all Patience, when he received the News from *Sotericus* and *Philoxenus*, that by theſe pretended Submiſſions he had made him diſmiſs the Synod ſo fruitleſly. *Cyril* tells us the hard * words the Emperor uſed concerning it, which I am loath to tranſlate. Hereupon he orders his Informers to uſe what means they thought fit to get him out of his place; they then repair to *Antioch*, and with ſome *Bribes* ſet the *Rabble* upon the Biſhop, and force him once more to *Anathematize* the Synod of *Chalcedon*, and then ſend him into *Exile*. Theſe are the expreſs words of *Cyrillus*, which *Baronius* is willing to underſtand of an Endeavour *to force* him, but without Succeſs. So I would alſo have been willing to underſtand him, if he had not frequently been guilty of ſuch Apoſtaſies. But here particularly it appears, that the Endeavours *were* ſuc-

* *τραγικὰ & μεγάλα.*

* ὁ καὶ ἐνίοις μαρτυρήσας. Theoph.

ſucceſsful, from the expreſs * Teſtimony, and the very Reaſon *Theophanes* gives why they baniſhed him notwithſtanding his Compliance; that is, becauſe he anathematized that Council with his Mouth only, not with his Heart: But perhaps *Elias*, the *great*, the *bleſſed Elias*, as our Author ſtyles him, was more true to *Principles*. He was as frail as the reſt, and as little reſolute in reſiſting any force that the Exigence of his Affairs brought him under. No doubt he came in firſt, as all muſt have done who were preferred by that Emperor, by Promiſes for oppoſing the *Chalcedon* Council; but he ſoon recovered, and joined firſt with *Euphemius*, then with *Macedonius* and *Flavianus*, in defence of it. After he relapſed again, and condemns it again before the baniſhment of *Macedonius*, and went ſo far, that his Example was made uſe of by the Emperor to perſuade *Macedonius* to follow him in it: So *Theod. Lector* and *Theoph.* But when *Macedonius* was baniſhed, he received the communicatory Letters of *Timotheus*, but would not thoſe concerning the Deprivation of *Macedonius*. This again provokes the Emperor againſt him: Accordingly the Synod of *Sydon* was called with full deſign of condemning the Council of *Chalcedon*, and baniſhing him. Then he wrote the καλα-

Vit. Sab. n. 52. καντικὰ καὶ ὀικονομικὰ γεγράμματα, mentioned by *Cyrillus*. *Baronius* indeed endeavours to bring him off, by obſerving from the Letter of the *Paleſtine* Monks to *Alcyſo*, that *Elias* pretended ſomething to have been *added* to his Letters in relation to his condemning the Doctrine of *two Natures* in Chriſt: And to prove this *Elias* produced a Copy of his own Letter he had kept by him, wherein there were no ſuch Words. *Cyrillus* has nothing of this: But be that as it will, it ſeems however clear, that he was very expreſs in condemning the Council of *Chalcedon*, and that his *Expreſsneſs* in that particular, with the Interceſſion of *Saba*, was that which ſecured him againſt the Council of *Sidon*. As *Flavianus* then owned only three Councils, taking no notice of the Council of *Chalcedon*; ſo *Elias* did indeed *mention* it; but ſo as withal to ſignifie that he did not *receive* it. So *Theophanes*; and not only he, but his great Admirer *Cyrillus* explains what he meant by the *flattering* and *trimming* Words, made

Ib. 52. uſe of by him in his Letter to the Emperor; He tells us the very *Words* of his Letter, as the Emperor himſelf ſignified them to *Saba*, that he did not approve of what was done in *Chalcedon*, for the *Scandals* that followed thereupon: And when he refuſed to receive *Severus* to his Communion, he tells us again, that the Emperor ſent his trimming Epiſtle from *Sidon* as an Evidence againſt him, profeſſing that he did not own

Ib. 56. the Council of *Chalcedon*; nor does he in the leaſt ſignifie that *Elias* had any thing to ſay to it that could ſatisfie him: He intimates the contrary, when he calls them Ὀικονομίας, Shifts and Artifices of Evaſion, to ſerve a preſent Turn; ſo little Reaſoning there is from ſuch Men's Facts as theſe, where there is nothing more than the bare Facts themſelves to recommend them for *Precedents*. No Facts can certainly be allowed for

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Precedents, that are not *agreeable* to *Principles*, and how can we presume *Facts* to be *agreeable* to *Principles*, meerly because they are *theirs*, who are *known* so frequently and so easily to *vary* from the Principles *themselves professe*, and *own* for *Principles*? We see they corresponded with so *notorious* a *Heretick* as *Timotheus*, which is more than ever our Author's *own Principles* would have allowed them, rather than hazard their Places: Why should we then wonder if they had corresponded with *Schismaticks*, even such as *themselves* took for such? Why should our Author *presume* such correspondence *allowable*, because allowed by them, who did so many things *not allowable* even by their *own Principles*? I do not willingly detract from the *Merits* of these Excellent Persons for what they did afterwards; but there is no reason, that their *Repentance* at *last* should *commend* the *Prevarications* they were guilty of *before*, and make them pass for *Precedents*.

18. Besides these, our Author produces another *Example* in the same Reign, that of *Elias* himself: He also was at length *deprived*, and *John* was *set up* against him; yet both of them were *owned* by *Theodosius*, and *Sabas*. They owned *John* for their *Bishop*, and yet the compassion they had for *Elias*'s Case appear'd by the visit they made him in his *Exile*. Accordingly our Author *appeals* to the *Dyptichs* of the Church, which mention both of them with *Honour* and *Respect*. The Expulsion of *Elias* from his *See* to his place of *Exile* was managed immediately with that *violence* which was ordinarily used by the Emperor *Anastasius* in most of his undertakings: *Olympus* did it with a Guard of Soldiers; yet certainly the Emperor's sending a Copy of *Elias*'s *Dissembling Letter* to be shewn at the doing of it, was not without a *particular design*. Had he thought his *own* Authority *sufficient* for it, his *own* satisfaction alone had been *sufficient*; and so *Assuming* and *Imperious* a Temper as his was, would not have *condescended* to give others an account of his proceedings; especially where withal there was *no form* of a *Judicial Process*, where these *Letters* might have been produced as *Legal Evidence*. I need not produce the many Testimonies of *that Age*, as well as *others*, concerning the *Incompetency* of his *Secular Power* for a *Spiritual Deprivation*: The actings of this Emperour himself do sufficiently shew, that himself was sensible, how little his *Lay-Authority* would signifie in such a case as this was, without a *Synod*. What made him else take that pains to assemble the *Synod* of *Sidon*, purposely with a design of *Deposing Flavianus* and *Elias*? What made him in such a *Rage*, when by their prevaricating Letters they had eluded that *Synod*? What made him after he had driven away *Macedonius* from *Constantinople* by plain *force*, afterwards to order a *Synodical Judgment* and *Censure* of his *Case*, but that himself did not, before that *second Judgment*, as *Theophanes* observes, look upon him as *Deprived*, even when he was in his *Exile*? But by this sending the Letter of *Elias*, he seem'd only to execute the *Synod*'s Judgment concerning

The Deprivation of Elias, Bishop of Jerusalem, in the same Reign, how Synodical.

cerning him, which had certainly *Deprived* him, if he had not *eluded* them by that Letter. His *Exposing* therefore that Letter seems to have been to shew, that he was not *now* the person whom the *Synod continued* in their *Communion*, but that person rather, whom they had *designed* to *Condemn*, and *Deprive*. Thus he might very well believe this *present Act* to be only an *Execution* of that *Synod*'s design, and so not chargeable with any *Invasion* on the Sacred Authority. I am not now concerned to *justifie* this reasoning, as *Solid*, and *Concluding*; it is sufficent at present to observe, how *probable* it is, that it was at least the reasoning of *Anastasius*; That alone will *sufficiently* overthrow the Consequences from it, as a *Precedent* to invade the *Sacred Power*. It thence appears, that without this *Interpretative Application* of the *Synod*'s design, the *Fact* had not been *justifiable*, even by the sentiments of him that did it: How then can it be pleaded as a *Precedent*? It shews withal, that with this *Interpretative Application* here was a *Synodical Deprivation*, which might *validly* deprive *Elias* of his *Right*, in the Opinion of those who judged the Interpretation reasonable.

Elias was in reason obliged to yield to *John*, though not on the Account of his Orthodoxy.

19. But whether the Deprivation was *valid* or not, no doubt *Elias*, by his own *Cession*, might ratifie that Ordination of *John*, which otherwise had been *invalid* and *unobliging*: And this *Cession* might be known by his *not-challenging* his *Right*, and by his *not-taking* it ill at their hands, who *owned* his *Rival* for their *Patriarch*, and by the Friendly behaviour of his *Rival* to him in continuing his Name in the *Ecclesiastical Dyptichs*, if he was not *afterwards* restored, but then continued, as our Author supposes: Otherwise this form in the *Jerusalem Dyptichs*, mentioned by our Author, of wishing the *Memory* of *Elias* and *John* perpetual; like that in the *Tomus Unionis* in *Constantinople*, seems rather as if it were brought in after their deaths, to *accommodate* some differences that might have been formerly between Parties, that had been made on *their Accounts*. Indeed I know no mention of any *express Cession* in any *Good* Author, unless we may be allowed to *conjecture* it from some such Reasonings as those now mentioned. But what if we should grant them that he *yielded* his *Right* to *John*? This *single instance* will not suffice to justifie the Author's *Universal Observation*, that it never was insisted on by any, where the Successor was not an *Heretick*; it will not suffice to shew, that he thought himself *oblig'd* to it by *Principles*, who in many other things acted so disagreeable to *Principles*: It will not thence appear, that he did do it out of *fear*, when by *challenging* his *Right* and by *perswading* his People to withdraw from the *Communion* of his *Successor*, intruded by the Emperor, he must have provoked him who was so easily provoked, to new Severities against him. Indeed he could not expect *Duty* from his own *Subjects*, who had *countenanced* so many *Intruders*, even *Timotheus* the Heretick, and *approved* so many *Revoltings* of Subjects in the *injurious deprivations* of his Brethren. And can *our Adversaries* with

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any reason make these *Actions* pass for *Precedents*; to which he was *necessitated* by the consequence of his own *past Behaviour*, and the Exigency of his *Cause*? I am sure, he had no great reason to think his *Flock secure* under the Conduct of so *Fickle a Successor*. *John* had departed from his Principle, when it was not his *fear*, but only his *Ambition*, that could induce him to it; in order to his getting into the place, had promised both to *anathematize* the Council of *Chalcedon*, and to *Communicate* with *Severus*. And that he did not stand to his promise the reason was manifest; he feared that if he had done so, that his Clergy and his People would not stand by him: Still it does not seem to have been his *Conscience* that kept him right, but his *Ambition*. That very soon appeared when afterwards he was imprisoned for this *Violation* of his *former promise*: He then as easily *repeats* the *promise*, as he had formerly *broken* it; only he pretended, that he might not *seem* to perform it *unwillingly*, it was *fit* he should *first* be set at liberty. When he had thus wheedled the *Praefect*, and got his Guard of *Monks* about him, that he no longer *feared* him; he then does as the *Monks*, not as the *Praefect* would have him, and *anathematizes Severus* and *Soterichus*, and all who would not receive the Council of *Chalcedon*. Then he *frightens* away the Emperor's *Praefect*; and the fam'd *Sabas*, and *Theodosius*, with their ten thousand *Monks*, were as active as any in it. If these Mens *actions* were counted *exemplary* then, yet I am sure, they would not have been *thought so* in the *first* and *purest* Ages of our Christian Religion. Well might *Cyrillus* call them μοναχῶν ταξιάρχας, καὶ στρατηγοὺς, καὶ πραιμάχους. But Christianity was too far *degenerated*, when these were counted *Titles* of *Honour* in such pretenders to Mortification, and Renouncers of the World. Our present Holy Fathers have more of the *Primitive Spirit* of Christianity, than to think themselves oblig'd to follow such Examples.

Cyrillus Vit. Sab N. 56.

20. Our Author now directs from the Throne of *Constantinople* to that of *Jerusalem*: and from the time of *Anastasius* to that of Great *Athanasius*: so it should seem this Example occured to his memory. He tells us therefore; that when *Athanasius* was *Condemned* in the Synod of *Tyre*, he fled to *Maximus* of *Jerusalem*, and was by him *restored* by a Synod conven'd by him, where he Decreed for ὁμοούσιον and repealed the Synod of *Tyre*. This, the Author says, provoked the Bishop of *Cesarea* against him: He must mean *Acacius*, the *Ring-leader* of the *Arian Faction* in those parts. *Acacius* then, he says, gathers a Synod against *Maximus*, and *deprives* him, and *sets* up *Cyril* against him, who at that time professed *Arianism*. Afterwards *Cyril* declares for ὁμοούσιον, and then *Maximus* and he was *reconciled*, and *owned* the same Communion: So our Author. But very little of this story is true, even as to matter of *Fact*; and yet if it had been all so, it is nothing to our Adversaries *purpose*. Very little of it is true, as to *matter of Fact*. First, at the Synod of *Tyre*, it is certain *Athanasius* did not fly to *Jerusalem*, but to

Maximus, Bishop of *Jerusalem*, was in all likelihood not deprived by *Acacius*, Bishop of *Cesarea*.

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Constantinople to make his Case known to the Emperor himself. It had been at that time in vain to have had recourse to *Maximus*, who in that very Synod of *Tyre* had given his *Suffrage* against him. He did indeed see his Error *afterwards*, but it was many years *first*: *Athanasius* was condemned in the Synod of *Tyre*, in the year 335. But the time when *Maximus* convened his Synod, and declared for *Athanasius*, was in the year 350. when at the Interposition of the Emperor *Constans*, *Athanasius* was released from his Banishment. Then *Maximus* did indeed declare for him, and that *Synodically*. But all that we can find *Acacius* did against him, was to *upbraid* him with his *inconsistency*, and by his *contrary Vote* in the Synod of *Tyre*. *Socrates* indeed does elsewhere imply, That when *Cyril* was brought to the Throne of *Jerusalem*, *Maximus* was driven from it; and he is, I believe, the *only ancient* Author near those times that does so much as *imply* it. *Theodoret* is very express in making *Cyril*'s Succession after the death of *Maximus*: so also is St. *Jerome*, who lived nearer the remembrance of that *Fact* than *Socrates* himself. He tells us, That before the *Arians* would admit *Cyril* to the place, they obliged him first to renounce his Orders of Presbyter, which he had received from *Maximus*; and that, when he was in, *Heraclius* also, who had been taken by *Maximus* himself for his Successor, was by *Cyril* also obliged to degrade himself to the Order of Presbyter. We have in the same See of *Jerusalem* a very ancient instance of a Bishop who brought in his Successor. So *Eusebius* tells us, *Narcissus* did *Alexander*, a Bishop of *Cappadocia*; —— who also adds, that that Election was ratified by a *Divine* Testimony. But who can believe that *Maximus* would have brought in a *Successor*, if himself had been *deposed* and *dispossessed*? Who can think he would have *actually* have made him *Bishop*, if himself had *not* been so *actually*? The whole occasion of the mistake seems to have been, not that *Maximus* himself was removed to make way for *Cyril*, but rather *Heraclius* who had been substituted by *Maximus*. For this was indeed a case sometimes questioned in the Discipline of the Church, whether a Bishop might be allowed to *Substitute* his own *Successor*? The Records of the Church of *Jerusalem* are in these times very intricate and difficult. When *Cyril* himself was banished by the *Arians*, we have the Names of three persons who filled his See in the interval before he was restored. Among them there is one *Heraclius*, possibly this very person who took the advantage of *Cyril*'s Deprivation for recovering his *Right* which was conferred on him by *Maximus*. And as to the dispute concerning the *Privileges* of their Sees, *Theodoret*, who gives us the most distinct account of this matter, tells us it was started in the time of *Cyril*, who was deprived after by *Acacius*, among other causes, for this also of maintaining the *Privileges* of his own See. It is very true, *Jerusalem*, though it had the *Title* of a Patriarchal See, yet had no *Patriarchal Jurisdiction* till the Council of *Chalcedon*, but was subject

Soc. II. 38.

Theod. II. 26. in *Chron. Euseb. contin.*

ſubject to the *Metropolitane* of *Caſarea*. Even the Council of *Nice* which owned it for Patriarchal, did notwithſtanding reſerve to *Caſarea* the *Priviledge* of being the *Metrapolitane*. But the Honour of *Maximus's Age*, and of his having been a *Confeſſor* in the Perſecution (which in that Age was very great) made no doubt the Adverſaries of his *Cauſe* have notwithſtanding a great veneration for his *Perſon*. Theſe reaſons ceaſed in *Cyril*, who was at firſt ſet up by *Arian* Intereſt, and with *him* his Competitors of the ſame Faction did therefore think they might be more bold. Accordingly *then* it was that thoſe Controverſies fell among the *Arians* concerning φιλαρχία, which broke them in pieces among themſelves, as *Epiphanius* aſſures us, who lived in the neareſt memory of them of any Author now extant that mentions them. And *Eutychius* one of the principal Rivals of *Cyril* in theſe diſputes, had been a Diſciple of *Maximonas*, (ſo *Epiphanius* calls *Maximus* the Predeceſſor of *Cyril*;) and therefore ſeems to have had a great veneration for his Memory, and was therefore unlikely to have ſtarted this diſpute in his time. In that diſpute *Cyril* was ſo far from acknowledging any Superiority in the Biſhop of *Caſarea*, that it ſeems he challenged a Right of filling the See himſelf, and conteſted it with that *Eutychius*, Biſhop of *Elutheropolis*: But that ſeems to have been after the time of *Acacius*, after his ſecond Reſtitution. His firſt Conteſt was with *Acacius* himſelf of *Caſarea*, and *Patrophilus* of *Scythopolis*, the ſame perſons who are ſuppoſed to have been concerned in the Deprivation of *Maximus*: And that the Deprivation of *Cyril* by *Acacius*, was by ſome miſtake taken for a Deprivation of *Maximus* in favour of *Cyril*, we have reaſon to conjecture from *Theophanes* himſelf: He, though he follows our Author's Opinion, (probably on the ſame Authority of the Life of *Athanaſius*, which was elder than *Theophanes*,) yet places it as the Truth required he ſhould, not at the time of the *entrance* of *Cyril*, but at the year of his *Deprivation*, and the Succeſſion of *Hilarion*, whom he makes his immediate *Succeſſor*. What can thence be clearer than that it was the *Deprivation* of *Cyril*, not his *Promotion*, that was here performed by *Acacius*; eſpecially when we are withall aſſured that thoſe diſputes, which *occaſioned* this Deprivation, concerning *Prerogative*, were ſtarted firſt in the time of *Cyril*? All that the Adverſaries of *Maximus* and *Athanaſius* did, on this reſtoring of *Athanaſius* by *Maximus* in the *Synod* of *Jeruſalem*, was (as *Socrates* himſelf obſerves) only καταμωκᾶσθαι, to *jeer Maximus* for it, that he himſelf ſhould reſtore him who had voted againſt him in the *Synod* of *Tyre*. How came he here to forget his carrying on his reſentment farther afterwards to the Deprivation of *Maximus*? How comes he here not to mention at leaſt the *anger* of *Acacius* as well as his *jeering* if he had reſented this *Synod* of *Maximus*, and the determination of it, as an invation of his *Prerogative*; if this had been the cauſe why he afterwards *deprived* him, if his *ground* for ſaying ſo had not been rather miſtaken

Epiph. Hær. LXXIII.

conjectures, than expreſs and poſitive *Authorities*? So little ground he had for believing that *Cyril* was ſet up againſt *Maximus*. Has he therefore any expreſs *Teſtimony* for the *Communion* between *Maximus* and *Cyril*, as Anti-Biſhops of the ſame See? No, not ſo much as in his Celebrated Life of *Athanaſius* it ſelf; neither as we have it extant at *preſent*, nor as we have the *Sum* of it in *Photius*. He only ſeems to *gueſs* at that, as he has done at other things now mentioned, from *preſuming* the matter of *Fact*, that they both at once pretended *Eſpiſcopal* Authority in the ſame Diſtrict, and yet had both their Names continued in the Eccleſiaſtical *Diptychs*.

Phot. Cod. 258.

The Life of *Athanaſius* no good *Authority*. The Deprivation of *Maximus*, if true, had not been for our Adverſaries Purpoſe, becauſe *Synodical*.

21. In truth, the Credit of all our Author ſays to his own purpoſe, is wholly reſolved into that Life of *Athanaſius*, which is vouched for it. In the Appendix to the *Paris* Edition we have two Lives of that Great Man, one by *Metaphraſtes*, the other by an *unknown* Author, elder perhaps than *Metaphraſtes*: Both of them own this Tale, that *Maximus* was depoſed by *Acacius*. If either of them was the Life read by *Photius*, that of the *Anonymous* Author was the more likely of the two. *Metaphraſtes* was manifeſtly too *late* for him; otherwiſe the *Excerpta* of *Photius* do better agree with *Metaphraſtes*. *Photius* takes no notice of the Notes of Time which are frequent in the *Anonymous* Life, though he otherwiſe uſes to take particular notice of ſuch things in the Authors on which he makes his Obſervations. But in making two *Tyrian* Synods, wherein the Cauſe of *Athanaſius* was debated, he better agrees with *Metaphraſtes*. Perhaps therefore there was a *third* Life ſeen by *Photius*, and interpolated, after his manner, by *Metaphraſtes*, which periſhed after the interpolation, which alſo mentioned this pretended Deprivation of *Maximus* by *Acacius*. Yet even that *Elder* Life alſo, by the account of it in *Photius*, ſeems to have been ſuch a Life of *Athanaſius* as *Hieronę Savier's* Goſpel was of our *Saviour*: The ſeveral Forgeries and Miſtakes of his *Predeceſſors* are taken in, and his *own* added to them. Here we are told of *Athanaſius*'s acting the part of *Biſhop* while he was a *Boy*, and that *Alexander* the then Biſhop ratified what he did in that *ſportive Perſonation*, though he would have it believed that the Children were *Serious* in what they did. But how could they be Serious in taking upon them Exerciſes of an Authority that did not belong to them? This in all likelihood he had from the *Greek* Tranſlation of *Ruffinus*'s Addition to *Euſebius*'s Hiſtory, by which *Socrates* confeſſes he had been ſeduced in ſeveral things concerning *Athanaſius*, before he conſulted the Works of *Athanaſius* himſelf. Here we alſo read the Tale of *Athanaſius*'s abſconding for ſeveral years with a young and beautiful Virgin: This ſeems alſo to have been taken from the truly Monkiſh *Hiſtoria Lauſiaca* of *Palladius*. Here we find alſo the *two* Councils of *Tyre* againſt *Athanaſius*; one the *true* one, on the *Tricennalia* of *Conſtantine* the Great; the other in the time of *Conſtantius*, where the Caſe of *Arſenius* was debated, which we

we are certain could be no other than fictitious from the certain accounts *Athanasius* himself has preserved us of the whole affair: But perhaps it was thought more convenient for connecting the actions of *Maximus*, for which this Author would suppose him deprived by *Acacius*. Many other instances might, no doubt, have been observed, if we had leisure to compare this *Legend* with the undoubted Monuments of *Athanasius* and his coæval Authors. *Photius* himself who saw and read that life, gives but a *mean* account of it. I mention not his Censures of the *Style* of it; that we are less concerned for at present. He says, there were also several things *new* in the *Historical* informations of it. And *new* indeed they must be which had no *antient* Historical Monuments to be vouched for them. So little reason there is to believe the matters of *Fact* true from whence our Author reasons in this case: For it is manifest that *eldest* Life mentioned by *Photius*, must have been the Original of this other Life, whatever it was that was mentioned by our Collector. Yet had they all been as true as they *wish* they were, our Adversaries would gain nothing by them: Here are *Synods* concerned in all the particulars of this account, the *Synod* of *Tyre* for depriving *Athanasius*, the *Synod* of *Jerusalem* for restoring him and a *supposed Synod* also for the *supposed deprivation* of *Maximus*, accordingly taken in by the modern *Greeks*, with several other fabulous *Synods*, into their *Synodicon*, first published by *Pappus* and *Justellus*, then taken by *Labbee* into his volumes of Councils. But what is that to the case of our *present* Fathers, whose *deprivation* cannot be pretended to have been *Synodical*?

22. Our Author's next instance is in *Eutychius*, deprived of the See of *Constantinople* by *Justinian*, in the year 564. because he could not assent to the *Aphthartodocitæ*, who thought our Saviour's *Humane* Nature *incorruptible*. Yet our Author says, he did not separate from the Communion of *John*, who was set up against him. But neither is this for our Adversaries purpose. *Justinian* did indeed here behave himself with as much transport on this occasion as his Predecessor *Anastasius* had done in the Case of *Macedonius*. He first sends *Eutychius* into Exile; then he tries him by an Assembly of * *Bishops* and *Princes*. What the *Greek* word was here we know not; nor therefore can we determine whether the *Princes* were *Corepiscopi*, or Prefects of *Monasteries*, who by this time began to take upon them in affairs relating to *Ecclesiastical* Cognizance, as having very considerable Ecclesiastical *Bodies* under them, who would be concluded by their suffrages. Certainly they were *Ecclesiastics*: For in the *Synods* of those times, though there were present *Secular* Persons to represent the Emperor; yet they never used to *vote*: Only they took care that all things should be fairly managed, and made their reports to the Emperor accordingly. And indeed the *Secular* part of the *deprivation* had already been performed, in sending the Patriarch into *Exile*. Nor was it requisite by the *Lex Regia* (as it was called) in those times,

The Case of *Eutychius* under *Justinian*.

Euagrius. Vit. Eutych. ap. Sur. Apr. 6.

* *Episcoporum & Principum. Euagrius.*

that the *Emperor* ſhould have any concurrence of *Council* for affairs of this nature. It was therefore undoubtedly a *Synod*, and is owned for ſuch in the *Greek Synodicon*. And accordingly they ſend their Summons to *Eutychius* by perſons of their own rank, *Biſhops* and *Princes*, which was the way of *Synods*, not of *Imperial* Councils. Yet * *Eutychius* received them ſo as ſtill to own *himſelf* for their *Patriarch*; which, as yet, even the Legates themſelves could not deny. Only he pleaded, that if they would proceed *judicially* with him, he ought firſt to be *reſtored* to his full Patriarchal Power, and then he promiſed, that he would make his defence. This was ſo fair, that even the Legates themſelves had nothing to except againſt it. It was thus ſuppoſed on all ſides, That the *Emperor's deprivation* was perfectly *invalid*, and could not make him *ceaſe* to be *Patriarch*, as to *Conſcience*. And it is withall ſuppoſed, that however the Aſſembly now convened had Power to do it, if they would proceed *judicially*. But how fair ſoever the *Patriarch's* propoſal was, the *Synod* could not reſcind the Emperor's Act without his own conſent; and yet being reſolved to gratifie the Emperor, they ſummon the Patriarch *thrice*, and then *depoſe* him for *non-appearance*. Herein conſiſted the Injuſtice of their proceedings againſt him, without *hearing*, and in *Exile*. Hereupon he diſowns their whole proceeding as not *judicial*, by inflicting *Cenſures* on his *Deprivers*. Where then is his not diſowning *John*, on which our *Author's*, on which our *Adverſaries* Argument is founded? Our *Author's* general Argument for it, from his finding both their Names in the Patriarchal *Dyptichs* of his own time, ſeems to be all he has to ſay for his frequent confident aſſertions in matters of this kind; yet that is very fallacious: Many Names were *afterwards* reſtored, which had been formerly *excluded* from the *Dyptichs*; and Succeſſors generally were *obliged* to ratifie the paſt acts of their Predeceſſors, how queſtionable ſoever the Authority was by which they acted, unleſs they would *unravel* things as the *Arſenians* did, for whom we are not concerned. And this indeed was all that could be gathered from their *continuing* their Names in the *Dyptichs*, that they did not queſtion all they did for the time *paſt*. This is certain, that their being barely continued in the *Dyptichs*, is no Argument that even their *Succeſſors*, who continued them in the *Dyptichs*, did therefore think them fit to be Communicated

* Sed Vir Sanctus Epiſcopis & Principibus qui Conſiſtus mandato nuncium artulerunt: Ad quem (inquit) accediris? & quem me vocatis? Illi veritate coacti reſponderunt, ad Dominum Noſtrum & Patrem. Quibus ipſe rurſum, Quis eſt, inquit, iſte Dominus & Pater veſter? Venimus, inquiunt, (tanquam occultis quibuſdam verberibus vapularent) ad Patriarcham Noſtrum Dominum *Eutychium*. Patriarcha Ego, inquit ille, Patriarcha Dei Gratiâ ſum, nec à me quiſquam hominum tollet hanc Dignitatem. Quis eſt ille, quem meo in loco collocaſtis? Quibus verbis cum illi reſpondere non poſſent, victi reverterunt ad eos à quibus miſſi fuerant. Veram idem Conventus iterùm & tertiò contra Canones eum votavit. Sed ille ſemper congruenter reſpondit, Si Canonicum, inquiens, Judicium conſtitutum eſt, detur Mihi Clerus meus, & Ordo Patriarchatus, & veriam, defendamq; me, & Accuſatorum meorum utri Teſtimonio. Hæc illi reſponſa, cum accepiſſent, nihil conſentaneum facientes, ſententiam contra ipſum tulerunt ipſis Judicibus dignam. Quam tamen Beatus Vir antevertens ſubjecit omnes Pœnas Canonicis, donec reſipiſcarent. *Euſtath. ib.*

municated with, becauſe we find many there who were *Hereticks*, at leaſt, in the opinion of their *Succeſſors*; eſpecially if they ever *renounced* their *Hereſie*, though they were never ſolemnly received again into the Church from which their *open* profeſſion of *Hereſie* had divided them. And particularly, this muſt in all likelihood have been the caſe in the ſubject matter of which we are at preſent diſcourſing: For did *Juſtinian* drive out *Eutychius* for not conſenting to his *Hereſie* concerning the *Incorruptibleneſs* of CHRIST's *Humane Nature*? And can we doubt but that he took care, at the ſame time, that his *Succeſſor* ſhould conſent to it? Would he not endure one in *Poſſeſſion*, whom he *found* ſo, that would not gratifie him in his new opinion? And could he *admit* another into poſſeſſion that would not doe it? If therefore *John*, his Succeſſor, complied with the Emperor, (as there is very little reaſon to doubt but that he did,) this inſtance can by no means be ſerviceable to our Author's deſign: He ought not then to preſume that *Eutychius* did communicate with his Succeſſor, if he will not (as certainly in *Charity* he ought not) preſume any thing concerning him but what *became* him: Or if the matter of *Fact* appeared true beyond *Preſumption*, he ought not to *argue* from it as a *Precedent*. The caſe of *Communicating* with *Hereticks* is not *commendable*, nay, is expreſly *excepted* by our Author himſelf from the *Rule* wherein he thinks it obligatory to continue *Communion*, and therefore (with him at leaſt) can never make a *Precedent*.

123. The following inſtance in the beginning of the ſame Reign of the Great *Juſtinian*, of *Anthimus* depoſed for *Hereſie* by Pope *Agapetus*, in the year 536. was not deſigned by our Collector for any thing wherein our Adverſaries are concerned: our Author ſuppoſes him a *Heretick*, and depoſed therefore juſtly: Nor does he pretend any *Ceſſion*, but what was *forcible*. He therefore neither *did*, nor *could* reaſon from his *Example* for perſons depoſed *unjuſtly*, to oblige them to *yield* their juſt *Right* to an *Orthodox* Succeſſor. It was wholly deſigned for the other Queſtion, wherein we are not concerned, to ſhew that even his Orthodox Succeſſor, *Menas*, did not *unravel* the *Ordinations* performed by *Anthimus* before he was *depoſed*. Only thus much is obſervable for our purpoſe, that the *Lay Power* had not the leaſt hand in it, any otherwiſe than as they *executed* the Decree of the *Eccleſiaſticks* in it, and thought themſelves obliged in *Conſcience* to do ſo in affairs of this nature. *Theodora*, who was joyned with *Juſtinian* in all publick forms, was *Anthimus*'s Patroneſs, and did all ſhe could to keep him in the Office to which ſhe had promoted him: And *Juſtinian* himſelf, who was ſufficiently unpious, was very *unwillingly* brought to comply with that which was ſo vehemently oppoſed by her. That which determined him, was only the Authority of *Agapetus* and his *Synod*: And they determined him in a time when his affairs were very *proſperous*; when therefore they had no other in-

Anthimus depoſed in the ſame Reign by the *Eccleſiaſticks*, againſt the Will of the *ſecular* Power.

inducement that could bring him to it, but a conviction of their *Right* for dealing in such matters, and of his own *obligation*, even in *Conscience*, to be determined and concluded by them.

The Cases of *Sergius, Pyrrhus Paulus*, and *Petrus*, not to our Adversaries Purpose. *Theophan.*

24. As little also to their purpose are the four following examples of the *Monothelite* Bishops of *Constantinople*, *Sergius*, *Pyrrhus*, *Paulus*, and *Petrus*: And as little did our Collector intend them to serve the purpose of our present *Adversaries*. None of these were *deprived*: Even *Pyrrhus* himself *needed* no deprivation: He left his *Omophorion* behind him, though at the same time he protested not to *abdicate*; but only to give way to the fury of the Rabble. But his leaving the *Omophorion* behind him, not out of *forgetfulness*, but *design*, was in truth, as much an *Interpretative abdication* of his *Office*, in the *Sense* and *Practice* of that Age, as it was a deprivation of any *Palatine* Office, when the Emperor sent for the *Zona* or *Cingulum*, which was then the Ensign of such Offices. And so it was plain *Pyrrhus* foresaw it would be understood, when he thought to elude that *Interpretation* of it by this *Declaration* of his design in it. So it was understood in the case of *Eutyches*, when his *Omophorion* was not taken from him, that his *Right* was providentially *continued* to him. So that it was a *Protestation* against *Fact*, and therefore *null* in it self, when he made use of this *Symbol* of Surrendry, notwithstanding to pretend that he did not *surrender*. In all likelihood he designed to be understood to have surrendered when he did it to *gratifie* them who were for having him *deprived* of his Office, and who were therefore inclinable thus to understand what should be done to gratifie themselves. And thus in all probability he hoped to avoid too severe a scrutiny into the Murder of the Emperor then charged upon him, when he thus prevented a *Synodical* Trial by a seeming voluntary *Surrendry*: And with what ingenuity could he disown what he knew *would*, and what he desired *should* be understood to be his meaning? At least this was sufficient for them to *presume* his Place *vacant*, and to fill it up without a *formal* Sentence against him. However when the *Heresie* is once condemned, and it is withal notorious that the persons *own* the *Heresie*, our Author himself requires no act of *Authority* to justifie a *Separation*: Nor could *he* think *Hereticks* unjustly dealt with, in having Canonical Censures pronounced against them; nor to be qualified for *Communion* with their *Successors*, without *renouncing* their *Heresies*; which none of these did but *Pyrrhus*, who notwithstanding returned to his *Vomit*: Nor would he ever make the *Actions* of *Hereticks* argumentative as *Precedents*. The *Action* therefore that he reasons from here, is only that of their Catholick Successor *George*, and the sixth General Synod of *Constantinople*, who did not scruple the Orders of so many of his *Heretical* predecessors: But this is, as I said, a question wherein we are not concerned.

Eustath. in *Vit. Eutych.*

25. The

25. The next Example is of *Callinicus* deprived (or rather driven from his Throne) by *Justinian Rhinotmetus*, who set up *Cyrus* the Recluse in his stead: Yet neither did *Callinicus*, as our Author reports, separate from the Communion of *Cyrus*, nor did the Church ever question the Ordinations that were made in the time of the supposed Usurper. Here I confess no Synod appears, by which *Callinicus* was deprived: But what need was there of a Synod to deprive a Rebel Bishop, who had forfeited his Life to his Master for assisting his Enemies, *Leontius* and his *Fautor*, and exciting the People to dethrone him? The Emperor took away his sight, and sent him to *Rome*, as King *Solomon* did *Abiathar* to *Anathoth*, when he might justly have taken away his Life; nor can it be imagined that such a Bishop would stand upon his Right to his See, who had none to his Life, and whose *ignominious blindness* justly incurred, did in a great measure disable him from the exercise of his Office, and render him base and contemptible to his Flock. If we never read that any of the *Greek* Emperors, who were so served by their Enemies, ever offered to resume the Throne, but acquiesced under their misfortune; we have reason to presume that a guilty Bishop so served by his Sovereign, would never after pretend to his Chair, but quit all manner of claim to it by Cession, or Resignation; and then it is no wonder, if having divested himself, he did not refuse to communicate with his Successor *Cyrus* and that the Church did not question *Cyrus*'s *Ordinations*, when they had no reason for it. But whether *Callinicus* did, or did not refuse Communion with *Cyrus*, is uncertain; none of the Historians say any thing of it, and I have shewed that our Author asserts things precariously, and often speaks more than he can prove.

Callinicus punished for his Rebellion: His communicating with Cyrus uncertain; but his Cession very probable.

Lampad. Mal. H. pars 3. p. 14. Æmas Sy'. in Decad. Blond. lib. 10. p. 180. Volat. fol. 247.

26. The next Collection is of a Succession of *Iconoclast* Patriarchs, whom this Author takes for *Hereticks*, from the time of *Germanus* to the second *Nicene* Council; that is, for the space of fifty six years, according to his computation. He begins his account from the expulsion of *Germanus* in the year 730. and the second *Nicene* Council was in the year 787. So his account will hold, reckoning only the interval, but leaving out the extreams. In this space he observes, that the *Orders* must generally have been derived from *Iconoclasts*: So that even the *Orders* of *Tarasius* and his Brethren, who acted in that Council, must generally have been affected by them. Yet so far was that Council from scrupling such *Orders*, that they admitted the *Orders* even of those who were to be *Iconoclasts*, when they could prevail with them to *renounce* what they called their *Heresie*. This also plainly concerns not us, but the Question disputed by this *Author* with the *Arsenians*; nor are we concerned for the Deprivation of *Germanus* though it was not *Synodical*. There was no *need* it should have been so; for he expresly † *abdicated*; perhaps *willingly*

Germanus abdicated.

† ὁ μὲν ἐκουσίαν ἀπέβαλεν. Niceph. Patr. Hist. ἀναδύεται τὸ τῆς ἀρχῆς σχῆμα ἑκὼν καὶ μεγάλης ἀπολαύσας τῆς ἐκουσίας καὶ ἀπροσκόπου. Cedren. ἀπολέλαυκε ἐκουσίου δὴ τὸ ἀμεταστάτου.

willingly: But that cannot prejudice the *validity* of the thing when done. Multitudes of ſuch *Reſignations* there have been, both of *Princes* and *Biſhops*, the *validity* whereof was never queſtioned by Men of the *ſevereſt* Principles; eſpecially where the *unwillingneſs* was not *total*, but ſuch as was conſiſtent with *conditional willingneſs*. Such a *willingneſs* I mean as Men rather *chooſe*, than they would abide the *Conſequences* which were otherwiſe to be expected, in caſe they ſhould prove refractory. This none, that I know of, allows to be ſufficient in *Conſcience* to abſolve a Man from an *obligation* he has brought upon *himſelf* in ſuch a caſe of *unwilling*, if I might call it, *voluntarineſs*. And this was manifeſtly the caſe of our *Germanus*: He thereby freed himſelf from any farther trouble from the Emperor.

The *Schiſm* of *Theodorus* and *Plato* an Encroachment on *Epiſcopal* Authority in *general*, and nothing to *our* Caſe.

27. The next Caſe concerning *Theodorus* and *Plato*, with their *Monks*, withdrawing from the Communion of two *Patriarchs*, has no relation to our caſe, though it was very oppoſite to that of the *Arſenians* which occaſioned the Diſcourſe. No doubt the Author's deſign herein was to let the *Monks* ſee what they medled with what did not belong to them, when they took upon them for matters of *Diſcipline* to ſeparate from the *Dioceſane Communion* to which they were related. This *Plato* and *Theodorus*, with their *Saccudiote* and *Studite* Diſciples, were guilty of, when they preſumed to *ſeparate* from their two *Patriarchs*, *Taraſius* and *Nicephorus*, for keeping *Joſeph* in their *Communion*, who had married *Conſtantine* the Emperor to the Nun *Theodote*, when he had forced his Empreſs *Mary* into a Nunnery. Accordingly they were condemned for it in a *Synod* of *Biſhops* and *Abbats*, when they made their ſecond ſeparation from *Nicephorus*, and driven from their Monaſteries and the City, as *Theophanes* tells us, though our Author mention nothing it. The *Biſhops* therefore forced them to recant all the *Invectives* they had uſed againſt the *Patriarchs*, not that they thereby intended to defend *Joſeph*, but to aſſert their own *Authority*, as the only competent one in Affairs relating to *Communion*, againſt theſe *Monaſtical* Invaſions. St. *Ambroſe* told the Great *Theodoſius*, that his *Purple* did not entitle him to the *Prieſthood*, which yet was not more true of the *Purple* than of the *Cowl*. Thither therefore relates what our Author obſerves from the Patriarch *Methodius*, that if *Theodorus* had not recanted, he had not been received to *Communion*. He obſerves farther, from the *Teſtament* of the ſame *Methodius*, (probably in imitation of the *Teſtament* of *Nazianzene*,) that he preſcribed, that whenever the *Studites* were received as *Penitents*, they ſhould only be received to *Communion*, not to their *Sacerdotal Dignity*. So in the *Synodicon* drawn upon the occaſion of theſe *Schiſms*, and ordered (as our Author obſerves) thenceforward to be *read* in Churches, thoſe *Invectives* againſt the Patriarchs are not only *recanted*, but *anathematized*. Nay, *Theodorus* was therein declared not to have done *well* in his Separation, and that the *Schiſm* was on his part, whatever was the occaſion

of

of it. And the reason is given exactly agreeable to the Principles of *Ignatius*, and St. *Cyprian*, that *Tarasius* and *Nicephorus* were the *Church*. Whence it plainly followed, that *Theodorus* and his followers cast themselves out of the *Church*, by their being *divided* from their *Patriarchs*. This very *Synodicon* is mentioned in some fragments of this Work of *Nicon* here referred to, and in a Discourse of *Anastasius Cæsareensis*, both published by *Cotelerius*. And *Anastasius* is very particular in distinguishing it from the *Nomocanon*: He tells us that it consisted only of *three Synods*, *two* relating to *Faith*, and the *third* to *Marriages*; probably all of them relating to this case. And thus we understand why our Author excepts only the case of *Heresie*, wherein it might be *lawfull* to *separate* from the Bishop. He speaks of persons *subject* to *Episcopal* Jurisdiction, acting by *themselves* without a *Bishop* to *head* them; for so did *Plato* and *Theodorus*, with their *Monks*: And so nothing but *Heresie* could excuse their *Separation* from their *Ordinary*, by the *Principles* of the *Catholick Church*; for the guilt of *Schism* will wholly be imputable to such Subjects who separate from their *Ordinary* for any other cause but *Heresie*.

28 And to this Case agree exactly the *Canons* omitted by Mr. *Hody*. They also speak of *Monks* and *Laity* separating from their respective *Ordinary*, without any *Episcopal* Authority. So the *Synod* called *A B* expressly; by which we understand that the *Presbyters* and *Deacons* mentioned in the former *Canons*, in reference to the Case here particularly designed, were understood of *Monks*, and such persons, *destitute* of *Episcopal* Authority: And very probably these Encroachments of the *Monks* on the *Sacerdotal* Authority, were the real occasion for the Synod *A B* to make that *Canon*. The *Monks* of *Constantinople* were, at that time, admitted into most debates where *Religion* was concerned. We have seen that they made a part in the *Synods* ἐνδημοῦσαι, against *Eutychius* in the time of the Great *Justinian*, and now in the time of *Nicephorus* against the *Schismatical Studites*. We see they had a part in the *electing* their *Bishop*, by the opposition *Theophanes* tells us this same *Theodorus* with his *Studites* made in the *Election* of this same *Nicephorus*. We see they were *consulted* by *Michael Curopolates* concerning his *War* against the *Bulgarians*, and that they *over-ruled* him against his own inclinations, on account of the concern *Religion* was supposed to have in that Affair: Nor was it amiss that nothing should be done without the *consent*, at least, of so great and so numerous *bodies* of persons devoted to the service of Religion. And this consideration it was that brought the *Mitred Abbats* also in the *West* into their *Synods*, and into their *Parliaments*: But then this only gave them, in the *Original* design of it, a Power of *interposing* and *interceding*, like that of the *Tribunes* among the *Romans*, not of *invading* the Sacred *Sacerdotal* Power; but among the *Romans* this Power of *interceding* being granted first, incouraged the *Tribunes* afterwards

That Case of those *Monks* very appositte to the *Arsenian Schism*, which was also abetted not by any *Bishop*, but only *Monks*: In such a Case nothing but Heresie could excuse *Separation*.

wards to aſpire farther to give *Laws* even to the *Senators* themſelves. So it ſucceeded with theſe *Monks*: the *devotedneſs* of their *State* made them to be looked on ſomewhat *above* the ordinary *Laity*; and ſome *Sacerdotal* Acts were indulged them for the *Government* of their *own* Members, but no doubt at firſt with the *conſent* of their *Ordinaries*, to whom they were at firſt all ſubject. Thus they had Power of *ſuſpending* their own *Monks* from the *Communion*: Then they challenged the *Power* of *Conſignation* in the *Biſhops* abſence; this was done firſt in *Egypt*, as *Hilary* the Deacon obſerves in the Commentaries which go under the Name of St. *Ambroſe*. There were the moſt numerous bodies of *Monks*, moſt *remote* from *Biſhops*, and therefore the moſt inclinable to theſe *Sacerdotal* Encroachments. Thus we ſee there was *occaſion* for aſſerting the *Sacerdotal* Rights againſt them in the times of the Patriarchs, *Nicephorus* and *Methodius*: For ſo far the *Schiſm* of theſe *Studites* continued, as appears from the Obſervations our Author has made from the Writings of *Methodius*. It is alſo plain that the *Monks* were the *greateſt* part in the *Schiſm* of the *Arſenians*, principally regarded by our Author: So it appears from ſeveral paſſages in *Georgius Pachymeres*. He tells us, that many of the (a) *Monks* and *Laity* divided and kept their *ſeparate* Aſſemblies: And the Emperor *Michael* in his Oration againſt the *Schiſmaticks* deſcribes them ſo, as that we cannot doubt but that the *Monks* were they who were principally intended by him. He ſays, they were ſuch as by their courſe of life had been inured to (b) *Corners* and *Secrecies*, that they were cloathed in (c) *Sackcloth*. So *Joſeph* in his Oration to *Germanus*, where he perſwades him to *reſign*, repreſents the (d) *Monks* as the principal Adverſaries with whom he had to deal on this occaſion. And the Names (e) mentioned in this Cauſe are generally either of *Monks* or *Nuns*: Such were *Hiacinthus* and *Ignatius Rhodius*, and *Martha* and *Noſtogomiſſa*; and the * *Pantepoplene Monks* (ſo called from their Monaſtery) were the moſt violent againſt *Joſeph* and thoſe who ſided with him. And now we underſtand that they were not any *Latitudinarian* dwindling notions of *Schiſm* (ſuch as our Adverſaries fancy) that made our Author allow of no cauſe but *Hereſie* to juſtifie a *ſeparation*: Theſe were perfectly unknown, even to that lower Antiquity in which our Author lived. The Perſons he had to deal with were ſuch as had no *Biſhop* to head them: *Arſenius* himſelf was dead now for ſome years before our Author made this Collection, and he hath ſubſtituted no *Succeſſor*, nor was there any *Biſhop* of the Party to make one, if even *that* might have been reconcilable with any Rules of Eccleſiaſtical Diſcipline: And *Joſeph* alſo was dead, at leaſt had expreſly *abdicated*, before *Georgius*

(a) Τότε δὲ πολλοὶ μὲν τῶν μοναχῶν καὶ τῶν λαϊκῶν ἰδίας ἐποιοῦντο συνάξεις. *Georg. Pachym.* lib. IV. c. 10.

(b) Τὸ γὰρ ἐκείνοις ζῆλον φύσει ἐγγίνεται ἄλλοις δὲ ἐπιτηδεύμασι συνεχῶς ταῖς γωνίαις ὁπλισμένοις καὶ μυστικὸν τὸ αὐτῶν πρόσταγμα ἔχουσι, &c. *Pachym.* lib. IV. c. 11. *verba* Michaelis.

(c) Πολλοὶ σακκοφόροι ἐν ἰδίαις ὑμῶν συνάξεσι δύσασθαι. *verba* Michaelis *Imp. ubi ſupra.*

(d) Οὐ βλέπεις τὰς μοναχὰς ἀντοπολιτευομένας σοὶ μετὰ τῶν ἐπὶ ἀρχιερωσύνῃ ἐγκαθημένων τοῖς ἀκριβέσι πόνοις, &c. *Verba* Joſephi *ad* Germanum, *ap. fund Pach.* l. IV. c. 18.

(e). *Pachym.* IV. 18, 19. *again.* Ἦσαν δὲ πλείους καὶ οἱ σὺν τοῖς Τάκτοις μοναχοὶ ἄκριτοι πρὸς καὶ εἰς τύπας ἐκ τύπου πλατύνοντες ὑπὲρ τὸ Παλαιάφυτον ζηλώσεις ἐξοκείλαντες. Idem IV. 28. * Ib. Cyrini

Cyprius was ſet up, in whoſe time we ſuppoſe our Author to have written: So that neither of the *Schiſmaticks* had *Biſhops* to head them. And then I ſhall eaſily grant, and grant upon the *Principles* of St. *Cyprian*, and the *Church* of *his Time*, that in a Caſe of *Separation* of *Subjects* from *Biſhops*, the Charge of *Schiſm* can never lie againſt the *Biſhop directly*, *indirectly* it may, as an *Union* with a *rightfull Biſhop* does make the Accuſation of *Schiſm* chargeable againſt *another Biſhop*, unjuſtly pretending to the ſame Juriſdiction: Or as the *onely Biſhop* of a particular *Diſtrict*, if he cut himſelf *off* from the *Epiſcopal Collegium*, does thereby make it impoſſible for *them* to hold *Communion* with *him* who would hold *Communion* with the whole *Catholick Church*, and with the *Epiſcopal College*: But where there were no *Biſhops* with whom they could maintain *Communion*, whilſt *divided* from the *Communion* of the *Biſhop* of their particular *Diſtrict*, there no Charge of *Schiſm* could be brought againſt ſuch a *Biſhop*, neither *directly* nor *indirectly*: And therefore the onely pretence ſuch *Dividers* can have for defending themſelves, and laying the blame on the *Biſhop*, muſt be not by charging him with *Schiſm* but *Hereſie*. Thus our Author may be rightly underſtood to allow no excuſe for *Separation* in the *Perſons* with whom he had to deal, but onely that of their *Biſhop*'s being a *Heretick*.

29. And now our *Author's* Senſe being rightly explained, we are ſo far from being concerned in what he ſays, as that indeed we need no other *Principles* but *his* to charge our *Adverſaries* with the *Schiſm* of the preſent *Separation*. Whilſt we have *Biſhops*, and thoſe *unexceptionable*, to head us, we can wave the Charge of *Hereſie*, and yet inſiſt upon that of *Schiſm* againſt our preſent *Intruders*; But I cannot for my Life foreſee what the *Clergy* and *Laity* of the deprived *Dioceſſes* can ſay for themſelves, for deſerting their Biſhops, whoſe Title was formerly *owned* by themſelves, by this their *Author's* Principles. What is the *Hereſie* they can charge their Biſhops with? Yet that is the *onely* Cauſe *here* allowed them to excuſe their *Separation*; and it is indeed the onely Charge that can be brought by *Subjects* againſt their *Incumbent* directly: As for an *indirect* Charge in favour of *other* Biſhops, our Adverſaries Caſe is exactly the ſame with that of the *Studites*, or *Arſenians*, and they cannot pretend to it. They have no *other* Biſhops to whom they can plead an Obligation againſt their *old* Incumbents. It is plain their *antecedent Obligation* lies in favour of their *deprived Fathers*: They cannot *deny them* to have had *once* a good *Right* to their *Duty*, and they can give no reaſon allowable by their *Author* how they might *loſe* it; neither that of *notorious Hereſie*, nor the other of *Synodical Deprivation*. They cannot deny but their *new Invaders* found the *Dioceſſes poſſeſſed* by *juſt Acknowledgments* of *Right* in their *Predeceſſors*, and thoſe acknowledgments ratified by Vows of *Canonical Obedience* in the *Clergy*, and of the *Duty* incumbent on them as *Members* of ſuch *owned Societies* in the *Laity* alſo. Thus it

This Caſe turned againſt our *Adverſaries* of the *deprived Dioceſſes*.

cannot be difficult to determine where the *Duty* is ſtill rather *obliging*, that the *indirect* charge of *Schiſm* lies againſt the *Intruders* for erecting *Altars* againſt *Altars* already *poſſeſſed*; not againſt the *Poſſeſſors*, who were put in *vacuam poſſeſſionem* (as the *Law* calls it) by an unqueſtionable lawful *Authority*. Will they therefore pretend the *greater obligation* lying on them to own the *Epiſcopal College*, than to own any *particular Biſhop*? This they might have pretended, if any *Synodical* Deprivation of perſons *Authorized* to *Act* in *Synods* had gone before: That might indeed have cut *off* the *Incumbents* from their *Union* with the *Epiſcopal College*, and continued the *Invaders* in their *Union* with the ſame *College*, and ſo have obliged all, as they are bound to prefer their *Union* with the *College* before their *Union* with any *particular Biſhop*, to *withdraw* from the *Communion* of the *Incumbents*. Now even this very charge lies in *favour* of our *Brethren*, and *againſt* our *Adverſaries*. Our *deprived* Fathers muſt *ſtill* be ſuppoſed to *retain* their *Union* with the *College*, till there be ſome *Act* of the *College* to deprive them: And ſo the *Invaders* of their *juriſdictions* muſt, by their doing ſo, not only *divide themſelves* from the *Biſhops* whoſe *Right* is invaded by them, but from the whole *Epiſcopal College* alſo. This would have appeared clearly as to *Fact*, if the old practice of *Communicatory Letters* had ſtill been obſerved: The *Invaders* could not have been received to *Communion* by any other Biſhop of the *whole* World, without the *Communicatory Letters* of the *Incumbents* not *Synodically* deprived; and if any *particular* Biſhop had done otherwiſe, even that Biſhop had, by his doing ſo, cut *himſelf* off from his *Union* with the whole *Epiſcopal College*. Thus we ſee how this *Precedent* of condemning theſe Encroachments of the *Studite Monks* does not in any wiſe affect *Us*, but our *Adverſaries*.

The next inſtances to another Queſtion conſidered by the Author, but not to ours.

30. Our Author next obſerves, that for 26 years together during the Reigns of *Leo Armenus*, *Michael Traulus* and *Theophilus*, till *Theodora* managed Affairs during her young Son *Michael*'s minority, the Patriarchs were all *Iconoclaſts*. His account, no doubt, begins from the year 815. and the ſecond of *Leo Armenus*, wherein *Theodotus Meliſſenus*, the firſt *Iconoclaſt* Patriarch, was brought in upon the expulſion of *Nicephorus*: And it ends with the expulſion of *Joannes*, or *Jannes* (as they call him for his *conjuring* practices) by *Theodora* in the year 842. in the beginning of her Adminiſtration of Affairs. That ſpace was not full 27 years: for *Theodotus Meliſſenus* was brought in *April* the 1ſt. and *John* was expelled not long after the 30th. of *January*, on which *Theophilus* died. The deſign of this Obſervation is only to take notice how it would affect the *Conſtantinopolitane* Succeſſion, long before the times of *Arſenius* and *Joſeph*, if even ſuch deriving *Orders* from *Heretick*s were rigorouſly enquired into; for ſuch the *Icon claſts* were eſteemed by our Author. But this is not the Queſtion for which we are concerned at preſent.

31. His

31. His next Example is therefore in the Case of *Ignatius* and *Photius*. But to judge exactly how far either of them had *Right*, our Author should have distinguished the *times* and the several *degrees* by which this Dispute proceeded. The *first* Deprivation therefore of *Ignatius*, I take to have been on *November* 23. 858. *precisely*: And here was indeed no *Synod*, though I know the *Synodicon* published by *Pappus* and *Justellus* pretends one: But Pope *Nicholas* in his 10th. *Ep.* where he gives an account of his *Roman* Synod, owns nothing in the Deprivation of *Ignatius*, but the *Violence* and *Terror* of the *Emperor*, plainly therein reflecting on the *Uncanonicalness* of it. Again, his words in his *Ep.* 13. to *Ignatius* himself are these: *ab Imperiali Potentia abjecto; nulla Canonica Auctoritate tua pulsus Ecclesia, &c.* which he insists on as an *Argument* for *invalidating* their whole proceedings against him. So also *Anastasius Bibliothecarius* in his *Preface* to the Eighth General Council, speaking of the same *Ignatius*, says, that he was *prejudicialiter expoliatus*. By which, in all likelihood, he means, that he was robbed of his Throne *antecedently* to any form of *judicial* Proceeding. The Author therefore of the *Synodicon* himself, owns that he was driven away ἀρχόντων χειρὶ, meaning, I suppose, the *Secular* ἄρχοντες, as distinguished by that word from the *Ecclesiasticks*. He therefore calls it ἁπλῆν σύνοδον, a *simple Synod*; probably because they were only a *few Bishops* and *Monks* that concerned themselves in this matter, without any *Synodical* Formalities, not even those of the *Synodus* ἐνδημοῦσα. *Bardas* therefore the *Cæsar*, who was the Author of it, did now all he could, by hard usage to force him to *abdicate*. It plainly hence appears, that even he did not think the *Emperor's* Power sufficient for it: Yet he *was wicked* enough, and *prejudiced* enough on that *side* to have believed it, if the Casuistry of that Age would have afforded him any countenance in it. But they had not then the confidence to allow actions of that nature to pass for *Precedents*: Yet all the rigours they could use to him, could not prevail with *Ignatius* to quit his *Right*. How is it therefore that our Author can have the confidence to say, that he did not *divide* from *Photius*, nor perswade the *People* to *divide* from him? How could he possibly *claim* his *Right*, but that he must at the same time challenge the *Clergies* and *Peoples Duty*, as obliged in *Conscience* to adhere to *him*, and to own *him* as their *only* lawfull Pastor? How could he do that without obliging them to *leave* and disown *Photius*? We have therefore here one of our Author's own *Precedents* so far from making *for* his Cause, that it makes directly *against* him. *Ignatius* thought it lawfull to *challenge* his *Right* against a *Successor* whom even *himself* could not charge with *Heresie*. And this *invasion* of *Ignatius's* Throne, was censured as *Schismatical* in *Photius*, by the generality of the disinteressed Judges of that Age. Pope *Nicholas* the First, in the Name of the *Western* Church, charges it directly with that very imputation of *Schism*. And even the *Eastern* Bishops themselves

Ignatius challenged his *Right* against *Photius*, though no *Heretick*.

themſelves † threatned *Bardas*, that they would never own *another* Biſhop, and that they would *break* themſelves off from the publick Aſſemblies, till they were partly wheedled, and partly terrified from what they had reſolved on. And whatever their *Practice* was, this very *threatning* is an argument of their *Judgment* in the Caſe, that *Photius* and his party had been the *Schiſmaticks*, though *themſelves* had made the Separation. Our Author himſelf obſerves, how ordinary it was in thoſe Ages to call *Photius* μοιχὸν and ἁρπάκτην, an *Adulterer* and *Invader* of the Throne; and thoſe Phraſes do at once ſignifie his *want* of *Right*, and the *violences* uſed by him in coming in againſt the conſent of *Ignatius*: Nor has he any thing that I can find, to prove that *Ignatius* kept Communion with *Photius*, but only his old argument from the pretended *Dyptichs* of his *own* time, which has already been anſwered. Thus the Caſe was, at leaſt, till the *Synod* wherein *Ignatius* was depoſed, and *Photius* confirmed. But what needed a *Depoſition*, if *Ignatius* had already *yielded* his *Right*, as our Author would perſwade us? What needed a *Synodical Depoſition*, if that by the *Imperial* Authority had been thought ſufficient?

† Ὡς καὶ τὴν χείροτας ἄλλον ἐξαιρεῖς λειτουργεῖν, ἀλλὰ ἐκκλησίας ἀπορρήγνυσθαι. *Conſtant. Porphyrog. continuat. Theophan.* Lib. IV. N. 31.

When *Ignatius* was depoſed *Synodically*, he could not challenge the *Duty* till he was reſtored *Synodically*.

32. The Friends of *Photius* diſcovered their Conſciouſneſs of his *want* of *Right*; Firſt, by the *violence* uſed to the perſon of *Ignatius* to force him to *ſurrender*; then by *diligence* uſed by them, when they found their endeavours with *Ignatius* unſucceſsfull, to get a *Synod* that might *deprive* him of his *Right*, whether he would or no: Yet the difficulties and delays they met with in procuring a *Synod*, and corrupting the Suffrages of it, are alſo arguments of the oppoſition they met with in their main Cauſe, even in the *Eaſt*, even among the *Greeks* themſelves, where the Authority of *Bardas* was moſt ſignificant; for it was ſome years before they could effect their purpoſes that way, not till the latter end of the year 860. The Author of the *Synodicon* beſides his former *Synod* makes two more, the former in *Blachernis*, the latter in the Church of the *Apoſtles*. This I take to be the *A B Synodus*, wherein *Ignatius* was *Depoſed*, as the Commentators expreſly tell us. And the two *Seſſions* of that ſame *Synod* in *different* places, as it gave occaſion for them to give the Title of *A B* to their *Synod* it ſelf; ſo it alſo ſeems to have been the occaſion why this injudicious Collector of the *Synodicon* ſhould make two *Synods* of it. The *latter* of the two was that wherein the Pope's Legates were either *forced* or *bribed* to ſign the Condemnation of *Ignatius*. I am apt to think that the true occaſion of convening a ſecond time the ſame Biſhops before they were departed to their ſeveral Homes, was the unexpected arrival of the Legates, that they alſo might *conciliarly* confirm what had been done in the *Council* before their arrival. If I gueſs right, their *former* ſitting muſt have been *immediately* before the arrival of the Legates: and indeed it ſeems to have been ſo. The Pope was *ſurprized* at the proceeding againſt *Ignatius*, and charges

Photius

Photius with breach of promiſe, in medling farther in that matter than he had pretended he would do. And he ſays, he ſent his Legates not to *determine* any thing concerning the Cauſe of *Ignatius*, but only to *enquire* into it, and to make *report* to him of the ſucceſs of their enquiry: And if we may believe his Adverſaries account of this Affair, *Photius* had pretended that *Ignatius* had reſigned, and this, it ſhould ſeem, they reckoned on; which could not have been, if this deciſion of *Ignatius*'s Caſe had been long before: Even that *pretence* argued his *Conſciouſneſs* that what had been done before againſt *Ignatius*, would never be thought ſufficient to *deprive* him of his Right in *Conſcience*, as ſoon as the *falſhood* of this *pretence* ſhould be diſcovered. This therefore put him upon a *Conciliary* Trial of *Ignatius*, in that former meeting wherein *Ignatius* was *perſonly* preſent: But *Ignatius* pleaded what Pope *Nicholas* alſo pleaded in his behalf, that he ought to be *reſtored* to his *Poſſeſſion*, before they could, by the *Canons*, bring him to a *Trial*. This *Photius*'s *Council* would by no means admit of, but proceeded their own way, pretending to give him a fair thorough *hearing*, and *deprived* him. However, knowing that his Plea was indeed allowable by the *Canons*, they thought their Cauſe would require all the *confirmation* that could be got by the Legates, and the reputation they would gain by having the *Weſtern* Communion on their ſide. If this therefore were ſo, the *time* of theſe *Synods*, or *Meetings* rather of the *ſame Synod*, will beſt appear from the *time* of the *arrival* of the Popes Legates. The Letters Pope *Nicholas* ſent with his Legates going to *Conſtantinople*, bear date *Septemb.* 25. *Indict.* 9. So it muſt have been the *latter* end of the year 860. before thoſe Legates could *finiſh* their journey: And when they had reached *Conſtantinople*, they were 100 days there before they could be prevailed on to ratifie the Depoſition of *Ignatius* ſo contrary to the inſtructions they had received from him that ſent them. This muſt neceſſarily bring it to the beginning of the year 861. before the 18th. of *March*, *Nicholas* had received the news of their prevaricating, and wrote again what he thought fit upon that occaſion. But when the Suffrages of a *Council* were once gained, what *Arts* ſoever they were that were uſed to gain them, *Photius* had then ſome appearance of Right, till *Ignatius* could relieve himſelf by *Another* and a *Greater* Council. That was a lawful way allowed him of recovering it, by the very *Canons*. However *Photius* could, in the *mean time*, plead this *Canon* hence produced by our Author, in favour of himſelf, which *before* he could not, that none ought to *ſeparate* from himſelf thus Synodically ſettled, nor to joyn with *Ignatius* thus Synodically condemned, till himſelf were condemned, and *Ignatius* reſettled, by a greater and more numerous Synod. And to add the greater Authority to their own Synod, they boaſted of the ſame numbers that was in the Council of *Nice*, as Pope *Nicholas* obſerves in his Anſwer to them. This was a plauſible Artifice to the Superſtition of that Age.

Ep. 2. *Nicolai* ap. *Labbaum.*

Ep. 5.

33. Pope

Pope *Nicholas* with his *Western Synod* were not sufficient to depri[ve] *Photius* of his *Synodical Right*, in the opinion of the *Eastern* Church.

33. Pope *Nicholas* therefore, no doubt, made all the interest he cou'd to get a *Synod* that he might oppose to this *Synod* of *Photius*. He knew his Authority *alone* would never be admitted for it without a *Synod*, and such a *Synod* as the *Canons* required: And though he allowed no Superstition for the number, yet the *Antiochian Canon*, which by this time obtained in both the *Eastern* and *Western* Churches, required, that the *Synod* that must restore *Ignatius*, must at least be *more numerous* than the *Synod* that deprived him. No *Synod* therefore could serve his purpose, but such a one as must have had more than 318 Bishops. This, I suppose, made it some *time* before he could condemn *Photius*, or restore *Ignatius* with such a *Synod*. *Anastasius* tells us, it was in the 11th. *Indiction*: That must have been, either in the *end* of the year 862. or the *beginning* of the year 863. Till then, at least, how good soever his Title was, yet the guilt of *Schism* had been imputable to *Ignatius*, if he had made a *Separation*, or intruded himself into his own Throne before a *Synod* had restored him. Nay, by the *Antiochian Canon* he had forfeited all pretensions of having the *Merit* of his *Cause* considered, if he had challenged any *Duty* from his Clergy and People before a *Council* had restored him. But when Pope *Nicholas* had restored him in the *Roman Synod*, and *deprived* and *anathematized Photius*, with them who look'd upon *that Restitution* as an Act of *Superiour Authority*, *Ignatius* was then *restored* to his full *Right*, and *Photius* was *deprived* even of that *Right* to which a *Canonical* settled Possession had inclin'd him: And from that time forward, if *Ignatius* had challenged the *Obedience* of his Clergy and Laity, and withdrawn them from the Obedience of *Photius*, the guilt of the *Schism* had notwithstanding not been imputable to *him* but *Photius*. But these Principles do not even in that Age seem to have been the *sense* of any more than the concerned part of the *Western* Church. The Council of *Constantinople* when they decreed that *Constantinople* should be *next* to *Rome*, did never seem to understand it of a proper *jurisdiction*, but only of *Precedency* in place: Afterwards the Council of *Chalcedon* decreed *equal Privileges* to the same See, because it had an *Emperor*, and a *Consul*, and a *Senate*, which were no more consistent with a *subordinate Jurisdiction* in the *Bishops* than in the *Emperors*, the *Consuls*, and the *Senates*. None ever pretended at that time that the *Emperors*, the *Consuls*, and the *Senates* of new *Rome* were properly subject to the *Emperors*, *Consuls*, and *Senates* of old *Rome*, in regard of *jurisdiction*: And the *Canon* concerning *Appeals* made in that same Council of *Chalcedon* was utterly inconsistent with any such *Jurisdiction*; that allows no recourse for such *Appeals* beyond the See of *Constantinople*. I know very well, Pope *Leo*'s Legates disowned both these *Canons*, and so have the *Latine* Collectors generally, who reckon no more than 27 *Canons* as made in that *Council*: But the 16th *Action* of the Council shewed that they were the genuine *sense* of the *Council*, and at least of the *Eastern* Empire, and

Prof. ad Concil. VIII.

the

the *Eastern* Churches: And so it descended down to the times of *Ignatius* and *Photius*, of which we are discoursing. By the judgment therefore of the *Eastern* Bishops of those times, who were the most competent Judges of that *Eastern* Dispute; and by the other *Canons* of the *Church* which required, that Judgments concerning matters of *Fact* (such as this was) should be decided in the same place where the matter of *Fact* had happened, the *Synod* by which *Ignatius* was to be relieved, must have been *another*, and that a *greater Synod* in the same *Constantinople*; and till he could get *such* a *Synod* on his side, *himself* had been responsible for the *Schism* that must have followed on his claiming his *Right*: Nay, the *Antiochian Canon* made him *forfeit* his *Right*, if he claimed it in such a way as this was: And it is plain by the Pope's Letters to the Emperor *Michael*, that the Emperor did not allow the Pope's Authority in this Case; nor do we find that *Ignatius* made any stir upon it, till he was restored *Conciliarly* in the same *place* where he had been deprived. This seems therefore to have been the state of that Dispute, if *Nicholas* proceeded by way of *proper Jurisdiction*; if he had proceeded on the Principles of the *Primitive Church* on the supposition of *Equality*, then he could no otherwise have obliged the *Eastern Bishops*, than as the *Bishops* or *Provinces* that sided with him were more *numerous* than those that were against them: For this is all that had been reasonable in that case, that where *Peace* was absolutely necessary, and yet could not be had without *Cession* on *one* part, there it was also necessary that the *smaller* part should rather *yield* to the *greatest*. But whether Empire had more *Bishops* or *Provinces* is needless now to determine: The rather, because it does not seem to have been thought on, or insisted on, in the Disputes of that Age. It is sufficient for our purposes, that, in the *sense* of the *Eastern Bishops*, and by the *Rules* of the *Eastern Discipline*, (which *Ignatius* was to stand by,) this *Roman Synod* was no competent *Authority*, and therefore left both *him* and *Photius* in the same condition wherein it found them. But in this whole Dispute the *Emperor*'s Authority is never urged, but that of the *Synods* that appeared on the one side or the other. And the *Roman* Synod was so little regarded by *Photius* and the Bishops of his Party, that they also condemned Pope *Nicholas*. This was in the *latter* end of the Reign of his Patron *Michael*, after *Basilius Macedo* was now made *Cæsar*; that is, after the 26th of *May* 867. *Nicet. vit. Ignat.*

34. In the latter end of that same Year, *Sept.* 24. *Michael* was murdered. This *Photius* upbraided *Basilius* with, and excommunicated him for it. This makes *Basilius* immediately dispossess him. We are told that he did it the very *next* day after his *Succession*: However the Emperour himself did not look on his *own* dispossessing him of the Patriarchal Palace as any Decision of the Question concerning his *Right*. The worst Interpretation we can make of it is, that he followed his own *Resentment* in

The restoring of *Ignatius* by *Basilius Macedo*, was not very *fair*, by the Principles of his *own* Church.

in the Case, (as several Authors say he did,) or that he followed the *Precedents* of *Anastasius Dicorus*, and the great *Justinian*, who, as we have seen, first *deprived* their Patriarchs before they *judicially* condemned them. This could hardly have been made a *Precedent* by him, if he himself had not been under a *present* and a *great* Resentment, if he had not followed them in their *Passion*, as well as in the *Fact* that proceeded from it. It becomes us rather to put the best Interpretation we can on the *Facts* of those who are *deceased*, whose *Lives* did otherwise not make them obnoxious to have the *worst* things *presumed* concerning them. The rather in this case, because there was another Reason as consistent with the Design of *Basilius*, and much more agreeable with his Honour: *Ignatius* when he was before the Synod of *Photius* pleaded, that he ought to be restored to his *Possession*, before he could be obliged to answer to a *synodical* Judgment: This Plea therefore being *canonical*, ought to have been admitted by the Synod that *deprived* him; the putting him therefore into a present *Possession*, even before a new *synodical* Tryall, was no more than what ought to have been done by the *Synod* itself; and their proceeding *irregularly* could not therefore *prejudge* against the *Canons* that required it, nor hinder the putting it in *practice* as soon as the *violence* was over that occasioned the *Violation* of those *Canons*. Yet it was so to be understood, as not to prejudge any thing concerning the *Merit* of the *Cause*. Otherwise, instead of doing *Ignatius* a *Kindness*, it had done him a *Prejudice* by the *Rules* of *Discipline* then received in the *Eastern* Church; he had thereby made himself really obnoxious to the *Apostolical Canon*, which *Photius* had no colour to charge him with before: That *Canon* was then received in the *Eastern* Church, and made it a *new* Cause of Deprivation, if any Bishop did forcibly intrude himself into a present *Possession* by the assistance of the *Secular* Power. So far that *Eastern* Church, whose *sense* our Adversaries pretend to gather from these instances, was from acknowledging the lawfulness of Bishops obtruded by the *Secular* Power, that with them it rather *prejudiced* a good, that *advantaged* a suspicious Title. This, by the way, it were well our Adversaries would think of, how it affects the Case of our present *intruders*: The rather, because it does not only deprive them of the benefit of this argument from these *Eastern Precedents*, but may also be urged against them wherever these *Canons* have been received, as these first *fifty* have been generally in most, even of our *Western* Collections. However, that the Emperor did not look upon his *own* actings as decisive in this Case, appears from hence, that he ordered both Parties to send their Legates to the Pope, to inform him throughly of the matter of *Fact*; and that withall he convened a pretended *General Council* for a final decision of the Dispute. I rather suspect that he ascribed more to the determination of Pope *Nicholas*, than either the *Doctrines* of his own *Church*, or his own *Preingagements*, would fairly allow of, and that he

Can. Apost. 30.

he might therefore look on his own putting *Ignatius* in *Poſſeſſion*, as an executing the Decree of the *Roman Council*. Plainly he did more herein than ſeveral of his own Party did *like*: Firſt, he preferred the Judgment of a foreign *Italian* before that of a *Domeſtick* Council. This was what was oppoſed, not only by his Predeceſſor *Michael*, but alſo by his Succeſſors in the *Eaſtern* Church to this very day; nay, what himſelf after repealed in the Synod of *Photius* in the year 879. Then he preferred that *elder* Synod of *Nicholas* in the year 863. before the *later* Synod of *Photius*, (that *third* of his againſt Pope *Nicholas* and his Synod, as the *two* former had been againſt *Ignatius*,) which had been celebrated in the very year wherein himſelf ſucceeded; that is, in the year 867. between the 26th of *May*, whereon *Baſile* was made *Ceſar*, and *Septemb.* the 24th, whereon *Michael* was murdered. He ſeemed to obviate this by calling this *other* Synod, which now paſſes for the Eighth *General Council* with the *Latines*, as if it had been to repeal that later *Conſtantinopolitane* Council Synodically. This was in the year 869. but no liberty was reſerved for a fair hearing of things in this Council. *Ignatius* had before that, immediately upon his return into his place, done all that ought to have been reſerved for the Synod, if any fair dealing had been intended; he had *depoſed* and *excommunicated* his Rival: Not only ſo, but he had *nulled* the *Orders* of thoſe who had been ordained by him, and *excommunicated* thoſe who had *communicated* with him. Nay, the *Biſhops* were all obliged *before hand* to ſtand to the deciſions of the Pope's Council, which it appears in the very beginning of this, they neither thought conſiſtent with the Honour of their *own* Church, nor were they willing to be concluded by, if the Emperor would give them liberty. And *Photius* was immediately, before any *Conciliary* hearing, condemned and anathemetized, and *Ignatius* owned before any *Repeal* of the *later* Council of *Photius*. Thus this unfair way of promoting even a good Title, did rather injure than advantage it: The rather, becauſe *Baſile* had, in all likelihood, obliged himſelf but a little before to maintain that Synod of *Photius*. *Photius* pretended *Baſil*'s Subſcription to his *own* Synod; and his Adverſaries themſelves *confeſs* he did ſo, and do not *diſprove* what he pretended: And we know it was generally received in thoſe times, that what was ſubſcribed by the *Auguſti*, was ſubſcribed by the *Ceſars* alſo. Here therefore, I doubt, we can hardly be able to excuſe this Prince from a tranſport of reſentment, perhaps not even *Ignatius* himſelf, that made them do things ſo little for the Honour of their *own* Church, and in Favour of a foreign Power, rather than fail of compaſſing their ends. I doubt it was their conſciouſneſs of their weakneſs at *home*, that put them upon theſe ſtraits: The Cauſe was within a little while after carried againſt them by the *Photians*, and ſo continues to this very day. This Council was repealed in the time of this very Emperor. The *Doctrine* and *Creed* of *Photius* concerning the *Proceſſion*

of the Holy Ghoſt from the Father *alone*, was alſo reſtored. And this advanced the Diſpute from a charge of *Schiſm* alone, to a charge of *Hereſie* alſo, in the opinion of this *Author*: Thoſe *ſervile* notions alſo of allowing even pretended *General Councils* a Power only of *ratifying*, not of *debating* the Predeciſions of the Pope, have been generally *diſowned*, and looked upon as very *odious* in all the Emperors who have endeavoured to reſtore them. This the two *Paleologi*, *Michael* and *John* found to their coſt; the one in the Council of *Lyons*, in the year 1275. the other in the Council of *Florence*, in the year 1437. nor do the *numbers* of thoſe who are mentioned in this *Latinizing* Synod, either of thoſe who had ſtill ſided with *Ignatius*, or of thoſe who were here *received* upon their revolting from *Photius*, ſeem ſufficient to have carried the Cauſe on that ſide by equal management; eſpecially conſidering that the *later* would, in that Caſe, have given their Suffrages againſt them. And who could look upon this as a fair Deciſion, with regard to *Conſcience*, that was ſo manifeſtly contrary to the ſenſe of the *greater* numbers of their *own* Church, which ought alone to have been owned for the competent Judge in Cauſes between her *own* Members?

Photius's Title was good after his Reſtoration upon Ignatius's death; eſpecially after his General Council.

35 Here therefore *Ignatius* injured his good Cauſe by this way of defending it, and gave *Photius* new advantages againſt him: However he found no farther oppoſition from him, during his *own Life*. *Ignatius* died *Octob.* 23. 878. and then *Photius* was reſtored by the ſame Emperor that had before excluded him: Yet with no ſuch inconſiſtency as our Author fancies. He that was an *adulterer* and an *invader* whilſt the true *Husband* was living, might now be a *Husband* and *juſt* Poſſeſſor after the true *Husband* was deceaſed. Probably the Emperor himſelf, when his *Paſſion* was over, might think himſelf obliged in *Conſcience* and *Honour* to make him this honourable *Amends* for his paſt irregular and unequal proceedings againſt him; though I know *Nicetas*, who was an *Ignatian*, pretends other Arts whereby he regained the Emperor's favour: And indeed we have *Photius*'s Cauſe conveyed to us with no ſmall diſadvantage: His Adverſaries at that very time ſuppreſſed his principal Writings on that Subject; they ſeized and burnt his *Original* Papers, before any *Copies* could be tranſcribed; they have afterwards had it in their Power to ſuppreſs many of his other Works, whilſt the Empire of *Conſtantinople* was in the hands of *Latines* or *Latinizing Greeks*; and they have ſince had it in their Power to hinder the Printing of as many of them as have not fallen into the hands of *Proteſtants*. This, no doubt, muſt needs have proved very prejudicial to a right underſtanding of his Cauſe, that we have very few aſſiſtances for underſtanding it, but from his profeſſed and very inveterate *Enemies*. However it was, *Photius*, on this reſtitution, had now no longer any *Rival* that could pretend a better *Title*: So that *now* they had nothing plauſible to pretend for themſelves that they would not own him. However it appears from

from this *Nicetas*, that the *Ignatian* Party ſtill retained their old reſentments, when even *Ignatius* himſelf, if he had been *living*, had leſs to ſay for himſelf than formerly, and his followers had yet much leſs to ſay for themſelves *now* than he had. The next year therefore after his new reſtitution, that is, in the year 879. *Photius* calls a *General Council* wherein he is confirmed by Pope *John*'s conſent, his Legates being preſent, and the Eighth *General Council* in the *Latine* account expreſly repealed, this being received in ſtead of it by the modern *Greeks* to this day; wherein the ſecond *Nicene* is received among the *General Councils* as the *Greeks* do ſtill receive it; wherein the *Creed* of *Conſtantinople* is received without any mention of the *Proceſſion* of the *Holy Ghoſt* from the *Son*, nay, with Cenſures againſt Innovators of it; and wherein, laſtly, Cenſures are threatned againſt all who would not ſubmit, and own *Photius* for their lawfull Patriarch. Theſe are the principal particulars here decreed, as appears from the fragments of this Council firſt publiſhed by Dr. *Beveridge* from *Oxford MSS.* moſt of them from *Beccus*, a zealous *Latinizer*, though *Baronius* is willing to call them in queſtion, for not being mentioned by *later* Men than *Beccus*. And the Pope's Legates aſſent to all, and as to that particular of obliging all to ſubmit to *Photius*, the Pope had given them particular and expreſs Orders, in his Letters and Inſtructions ſtill extant: So that now the *Ignatians* could no longer pretend any Patronage of the *Roman Church* to countenance them in their *Schiſm*. And to ſweeten them the more, it was alſo here expreſly ſtipulated, that there ſhould be no indecent reflections on the *Memory* of *Ignatius*. The Pope was gained by his finding the Emperor bent on it, and by the beneficial *agreements* made with *Photius* in order to it: He obliged *Photius* to quit his Right in the *Bulgarians*, a grant which his *Predeceſſor* could not gain even from *Ignatius*, who had been ſo much obliged by him. He obliged him alſo to quit the *Communion* of ſome of his own *Excommunicates*, as himſelf alſo diſowned the *Schiſmaticks* from *Photius*. And this probably went far towards the uniting the *Ignatians*, when the exaſperating *ſeverities* were laid aſide, and there was now no *Rival*, nor conſiderable *Authority* to head them. And this, in all likelihood, was the reaſon, why, notwithſtanding their former heats, they are nevertheleſs *both* of them mentioned honourably in the *Synodicon*. It was in courſe to be expected concerning *Photius*, becauſe he was the laſt in Poſſeſſion, and becauſe his *Diſputes* with the *Latines* ſtarted on that occaſion, obtained afterwards ſo Univerſally, that his *ſenſe* is the *ſenſe* of the *Greek Church* to this very day. And though *Ignatius*'s ſenſe be now as generally deſerted, yet the union of the *Ignatians* did neceſſarily require a decent behaviour to his *Memory*, which was now no longer difficult to be granted, when he was now no longer capable of being a *Rival*. Thence forward therefore *Photius* ſeemed to have enjoyed more quietneſs till the year 886. and the Succeſſion of *Leo Sapiens*, which is the laſt time we find him mentioned in *Hiſtory*.

36. And

These instances of *Ignatius* and *Photius*, neither serviceable to the design of our *MS.*

36. And now in this whole History thus represented, there is nothing that, if fairly understood, will make for the purpose, either of our *Author*, or of our *Adversaries*. Our *Author* pretends that they neither of them *separated* from each other's *Communion*, as thinking each other *Orthodox*, and that they did not scrupulously *enquire* into each other's *Ordinations*: But it is very strange he should so much as pretend it, when the *contrary* is so very notorious. What account then can they give of all those *severities* and *Persecutions* which are mentioned of *Photius* against the *Ignatians*, if not to *force* them to his *Communion*? What needed all those *violences* to *Ignatius*'s person, to force him to sign a form of *Abdication*, if he *abdicated willingly*, and thought himself obliged to do so, because his Adversary was not a *Heretick*? Why then did *Photius* in his two *Synods deprive* and *excommunicate* and *anathematize* him? Why did he endeavour to *reordain* the persons ordained by *Ignatius*? And when the Emperor would not endure that, why did he use the (*a*) Art *Nicetas* tells us of, of *seeming* at least to do it, by buying *Sacerdotal Habits*, and sending them, already *blessed*, as *Presents* to the Parties concerned, if he were so well satisfied, as our Author would perswade us, of his Predecessor's *Ordinations*? This *Photius* did upon his *restitution* to the See, after *Ignatius*'s death, when there was no *danger* from *Ignatius* that might *exasperate* him, when there was no apparent reason but *Principles* of *Conscience* that might induce him to it. But the World has been sufficiently inured to believe hard things concerning *Photius*: Perhaps *Ignatius*, the Holy *Ignatius*, behaved himself with more *temper*, and more *agreeable* to our *Author*'s fancy: He would, in all likelihood, have done so, if he had been of our Author's *Opinion*. But if we will chuse rather to learn matter of *Fact* from *History* what he did do, than from *fancy*, what we may think he *ought* to have done, as, no doubt, we ought to do, how much soever he differed from *Photius* in other things, yet he was perfectly of his mind in this, and seems no less to have *Rivalled* him in his *Zeal* in it, than he did in his *Chair*. His unwillingness to *resign* as our *Author* and our *Adversaries* would have had him done, has been already observed: *Photius* indeed *pretended* he *did* resign; and *Hadrian*'s Eighth General Council seems to speak suspiciously, when they tell us that, if he had done so, he was notwithstanding not oblig'd to *stand* to it. It is certain he *did not stand* to it, and if ever he did yield, that it was *fear*, not our Adversaries Opinions of *Charity* and *Conscience*, that made him do so, that made him think himself obliged to do so; so far from that, that as soon as his *Conscience* was at liberty to hear sedate reasonings, he thought himself obliged to do the contrary. This brought upon him those Deprivations, Excommunications, and Anathematisms, in the *Synods* of *Photius*. And can we still believe that there was no breach of Communion on the part of the *Ignatians*? What needed then those *violences* which they were freed from as soon as they could be prevailed

(*a*) Τὰς ὑπὸ τοῦ ἀγίου τετελεσμένας ἱερατείας ἀναχειροτονῆσαι. Ἔστι δὲ καὶ τοῦτο τῶν ἀποπλάνων Ἡθοξέως καὶ Ἀνδρέου ἴδιον ἠπόρησεν ἡ πονηρία. Ὁμοδοξία δὲ καὶ ὁμοία αὐτῷ μανίᾳ, εἰ ὅτα τῆς ἱερατικῆς συμβολὰ χρυσοκλίζει τελεταῖς, καὶ τοῖς ἐν μυστηρίοις εἰκόσιν ἐπιλίγαν ἰγχάς. Nicet. vit. Ignat.

valled on to *Communicate* with *Photius*? Why do the (*b*) *Legates* of three *Eastern* Patriarchs, boast that they had never *owned* nor *communicated* with him from the beginning, if it had not been notorious that the firm *Ignatians* had, from the beginning, not owned his *Communion*? Why then did (*c*) *Ignatius*, immediately, upon his restitution, *excommunicate* not only those who had been *Ordained* by *Photius*, but those also who had ever so much as *Communicated* with him? Is it not plain from hence, that *Ignatius*'s Party did *separate*? That he himself exacted it as *Duty* from them that they should do so, and so was accessary to the *Separation*? That he did ἀκριβολογεῖν, use the *Summum Jus* of *enquiring* into the *Ordinations* of *Photius*? And what will then become of our *Author*'s general *Observation*, that *none was ever known to do so*? Why did the *Ignatians* still forbear the *Communion* of *Photius*, even after the (*d*) *Death* of *Ignatius*, if they had not been used to do so before, when they had more pretence for it? If *Ignatius* had not persisted in that same mind, even to his very *Death*? Besides, our *Author* was not aware that the Dispute at length came to that which he thought *Heresie*, at least which he was *bound* to think so by the Doctrine of his *Greek Church* in that Age wherein he made his Collection; I mean, *Photius* started the Dispute concerning the *Procession* of the *Holy Ghost* from the *Son*. Then he must have thought them obliged by *Principles* to *separate*, and could never argue from their *Actions* as *Precedents*, if they were not agreeable to *Principles*. It is very true that *Photius*'s Doctrine was not thought *Heretical* then. This appeared even in the *Latine*'s Eighth-*General Council*. Some desired to be excused from *anathematizing* him on that account, that they thought none ought to be *anathematized* but *Hereticks*. And the *Council* it self, though it obliged them still to *anathematize* him; yet did not do it upon account of any *Heresie* wherewith they thought him chargeable. However this makes his Case more opposite to our purpose, because it is notwithstanding sure that *Ignatius* did not therefore think himself obliged to *yield* to him. What can be clearer to this purpose than the words of *Ignatius*, as he is personated by *Theognostus*, one who was very well acquainted with his mind? (*e*) *Had this Adulterer*, says he, *been of the Church, I would willingly have yielded to him. But how shall I make an alien from Christ a Pastor of the Sheep of Christ*? Plainly therefore he thought *Schism* as well as *Heresie* a sufficient reason of challenging his Right against him. And *Photius* was charged with *Schism* antecedently to his being set up against *Ignatius*, for joyning with (*f*) *Gregorius Syracusanus*, who had been Excommunicated by *Ignatius*. So little do these instances make for the design of our *Author*.

(*b*) Concil. Gen. 8. Act. 5. & 6.

(*c*) Ὁ ἐμὸς Ἰγνάτιος ὑπ' ἀγαθοῖς συμβόλοις τὸ ἀκίνδυνον δείσας ἀπωλείας, καὶ τὰς ἐπὶ τοῖς αὐτοῦ ἐπιγνώμης ἐγκεκριμένας, ἐξέγνω μὲν τὴν ἐκ τῆς λειτουργίας, ἣν φύσιν μένον, καὶ τὰς χειροτονίας ὑπ' αὐτοῦ, ἀλλὰ καὶ πάσας τὰς κοινωνικὰς αὐτῷ Nicet. ib.

(*d*) Οὔτε γὰρ τὴν αὐτὴν κοινωνίαν εἶχεν ἑτέρᾳ ἀντιπάλῳ μορφῇ ἐνίσταμένῳ ἢ πάσῃ ὅσῃ ἀληθὴς ὁ χριστιανικὸς πίστις αἱρετίζοντο, τῷ υἱὸν ἁγίας καὶ Οἰκουμενικὰς Συνόδου κατατιθεμένῳ διαβεβαιώσεως καὶ ἀποδεχομένῳ ἐπισκοπεύοντα λογικῶν καὶ ἀλήθειαν κοινωνεῖν, καὶ εἰς ἓν σῶμα τούτῳ συγκεκρίθης. Nicet. ib.

(*e*) Εἰ ἐκ τῆς ἐκκλησίας ἦν ὁ μοιχὸς, συνήνεσα ἂν καὶ ἐκεῖνον αὐτῷ· νῦν δὲ ἀλλότριον τῆς

(*f*) Ὅτι τὸ μέρος ὑπῆρξε τῆς ἀποχῆς τῆς ἐκείνης ἀποκρύπτομεν, ἀλλὰ τὸ πολλάκις καθαιρεθῆναι τῆς ἁγίας ἐκκλησίας. καὶ τὸ συνεπιτιμᾶσθαι ὑμῶν Ἰγνατίῳ κοινωνίας. Ep. *Nicolai Graeci* vers. de suo Concilio *Rom.* ante Synod. 8. *Graec.*

37. Nor

Nor of our *Adversaries.*

37. Nor are they much more pertinent to the design of our *Adversaries.* None of these *Deprivations* were any farther regarded than as they were *Synodical*: I mean, they were not till then thought sufficient to disoblige their charge from their obligations to *adhear* to them. *Bardas* and *Photius* did both hope at first, to extort an *Abdication* from *Ignatius*: But when they found they could not succeed that way, they never thought themselves secure, till they got him deprived *Synodically*. So it was also in the *Deprivation* of *Photius*, after he had been *Synodically* confirmed: Though it was in favour of one who had a better *antecedent* Right; yet the Emperor *Basile* excuses himself from having any hand in it, otherwise than as he *executed* the decree of Pope *Nicholas*'s Synod, whereby *Photius* had before been deprived and excommunicated. So he tells us in the *Synod*, that he had done nothing in it by his † *Imperial Hand or Power. For it was not*, says he, *the work or contrivance of my Imperial Station, that our most Holy Patriarch should return to his own Throne. But long before, the most Holy and Blessed Pope* Nicholas, *having fully informed himself concerning the Case of* Ignatius, *had decreed Synodically, that the Right of his own Throne should be restored to him, and with the whole* Roman *Church had anathematised all such as should resist that Decree and Sentence. Here therefore being before informed of these things, and dreading the Judgment of the promulgated Anathema, we thought it necessary to obey this Synodical Judgment of the* Roman *Church, and for this cause we restored him to the Possession of his own Throne.* So far were even *Princes*, in that Age, from pretending any Right to intermeddle in such matters without the *Leave*, nay without the *Authority* of the *Church* to warrant them in it: and so little were they then ashamed to own themselves *Executioners* of the *Church's Canons* in Affairs properly relating to the *Church's* Right. None who is in *earnest* with Religion, can in the least doubt, but that the interests of Religion are incomparably both *Nobler* and *Greater* than the interests of any *Worldly Politicks*: Even the *Secular Magistrate* himself cannot deny but that his *Soul*, which is benefitted by promoting the interests of Religion, is of more importance, even to him, than his *Secular Empire.* And why then should poor Mortals be *ashamed* to own their obligation to make their *Worldly Power* subservient to ends so undeniably *Nobler* and *Greater* than those of their *Worldly Power*? But so trifling are the Reasonings of those who call this being *Priest-ridden*, when they are examined seriously, that it is no wonder they should look upon it as a principal *Art* of recommending them by *Bantering*, and avoiding *Seriousness.*

† *Cum nulla prorsus Imperiali manu & Potentia, ut quidam parum vel magnum effectum. Neq; enim ut Sacratissimus Patriarcha ad proprium regrederetur Thronum, Imperii mei opus vel excogitatio facta est. Sed multum ante Sanctissimus & Beatissimus Papa* Nicolaus *quæ circa eum erant perfectissime disceus, Synodice decrevit reddi ei jus proprii Throni, & anathema cum tota* Romanorum *Ecclesia pronunciavit contra resistentes hujusmodi Decreto atq; Sententiæ. Hic autem nos olim stantes & parentes judicium anathematis promulgati, obsecundare Synodico judicio* Romanæ *Ecclesiæ necessarium duximus, & hujus rei gratia reddidimus ei proprium Thronum. Act. 6. Synod. 8.*

38. Our

38. Our Author's next inſtance is in the next and laſt Deprivation of *Photius* which he tells us was by *Leo Sapiens*, in favour of his own Brother *Stephanus* ſubſtituted in his ſtead: Yet the *Succeſſor* being alſo *Orthodox*, he obſerved that no *Schiſm* followed upon it. And indeed we do not find any matter for a *Synodical* accuſation objected to *Photius* by the Prince himſelf, who is *ſaid* to have *deprived* him, not any of thoſe *immoral practices* wherewith he had been formerly upbraided by his exaſperated Adverſaries: Much leſs does any Synod appear that gave judgment againſt him upon ſuch allegations; nor could he pretend, as his Father *Baſile* had done, that he only executed a former *Synodical* Deprivation for fear of the *Anathems* he might incur if he did not do ſo. *Photius* had now no *Rival* who could pretend a better Tittle, in favour of whom thoſe *Synodical* determinations had been made: And he had ſince been *reſtored* in a *General Synod*, *later* than that which had *deprived* him, and wherein all the defects were ſupplied which had been objected formerly. Here he had the Suffrages of the *Eaſtern* Patriarchs: Not only ſo, but even of the *Papal* See it ſelf, which had before been moſt implacable againſt him. I know *Baronius* fancies that there was *afterwards* a breach between Pope *John* and *him*: Nor is it unlikely, that *John* did indeed reſent the retaining *Bulgaria* from him, the recovering of which was the principal inducement which had brought him to that condeſcendence. This I take to have been the *reſerved* Caſe, when he afterwards diſowns his *confirming* what his Legates had done, if they had in any thing gone beyond the Orders he had given them. Nor is it unlikely alſo but that, on occaſion of that reſentment, he might uſe ſome *threats* and hard expreſſions, that might have been ſo interpreted by the Authors that gave *Baronius* occaſion for this conjecture: But there is no likelihood at all that thoſe reſentments ever proceeded ſo far as an *open rupture*; otherwiſe we ſhould certainly have had ſome mention of it in ſo many following *Epiſtles* written by *John* himſelf afterwards. Whatever he *thought*, he ſeems, at that time, to have *thought* it ſeaſonable to *ſuppreſs* his reſentments, as finding himſelf oppoſed by a greater intereſt than that of *Photius*. *Photius* therefore does not indeed ſeem to have been *deprived Synodically*; the reaſon given for it is, That *Leo* reſented what *Santabarenus* had done againſt him in his Father's time, in making a difference between them, and thought *Photius* the principal hindrance that kept him from his deſigns againſt *Santabarenus*. This was a reaſon in *State* likely enough to have been the occaſion why *Leo* would endeavour to get *Photius* deprived: But it was not a reaſon likely to have been owned *openly*, and to have been produced before a *Judicatory*. He could hardly for ſhame have owned a reſentment for things ſo long *paſt*; much leſs could he have charged *Photius* with favouring *Santabarenus*, when *Santabarenus* himſelf had not yet received an *open* Trial. However, it is certain that the Emperor himſelf was the cauſe that the place was vacated; and in this *Hiſtorians* agree: only they do not tells, whether it were with his own *conſent*, though forced to it by the Emperor, or whether the Emperor pretended to do it by his own Authority,

Photius abdicated before the Succeſſion of *Stephanus*.

thority, without any consent of *Photius*. But what the *Historians* have not informed us of, that his great Adversary Pope *Stephen* the Fourth has, and that from the *Letter* of the Emperor himself who is said to have *deprived* him. By that *Letter* it appears, that the Emperor did not so much as *pretend* Force on his own part, but a voluntary *Resignation* on the part of *Photius*: So that as yet we have not one instance, that ever any *Lay*-Power did ever pretend to a Power of *depriving Bishops* as to their *Spiritual* Authority, though we could not have known it in this case, had it not been for this *occasional* mention of it by Pope *Stephen*. The Case may therefore have probably been the same in other examples, where we read of *Depositions* by Emperors, where we are not so happy to light on a *particular* account of them. Here there are other circumstances that make it probable that this *Cession* was *voluntary*: *Photius* was treated very *respectfully* even *after* his Deprivation, as appears in the Trial of *Sanctabarenus*, which would not have been, if he had stood out to the utmost; so it was this *willingness* of his *Cession* that hindered Pope *Stephen* also from proceeding to his *designed* severities against him: besides, *Stephanus* his Successor had been his Pupil, and Educated under him, and therefore unlikely to have *accepted* of his Office without his *leave*; nor do we find that he ever afterwards endeavoured again to get into it, though *Stephanus* did not long enjoy it: And therefore going off *willingly*, he had thence-forward no pretence to disturb his Successors; the *Schism* had been his, not theirs, if he had gone back from his own *agreement*, and either *resumed* his Throne, or *withdrawn* the Peoples *Duty*, which had been already *quitted* by him.

* *Sed de Photio quidem ita vos scripsistis: illas vero Imperatoris literas cum legissemus, easdem à vestris procul abesse comperimus. Ita enim se habebant, quod Photius quietem vitam elegit. Quapropter in dubitatione versamur. Multum enim interest, abrenunciasset, & expulsum sit. Stephan. Ep. 2. ad Episcopos Orientales.*

The Breach between *Nicolaus Mysticus* and *Leo* was in the year 905. against *Baronius*.

39. The next Example is in *Nicholas*, deprived by the same Prince *Leo Sapiens*, for opposing his fourth Marriage. Against him *Euthymius* was set up, yet so, as our Author says, that neither *Nicholas* himself *withdrew* from his *communion*, nor *taught* the People to do so. Nay, so, that when he was *restored* to his Throne by *Alexander* the Brother of *Leo*, he did not so much as *question* the *Orders* given by *Euthymius*, because the persons ordained were *Orthodox*, and the person who Ordained them was himself also *Orthodox*. So our Author. The time of this Ejection of *Nicholas* is somewhat intricate: It could hardly have been where *Baronius* places it, in the year 901. The surest grounds we have for discovering it, is from the Age of *Constantine Porphyrogennetus*: It is certain he was born before his Mothers Marriage, which made immediately the *breach* between his Father and the Patriarch. Not only so, *Nicholas* also *Christened* him; so that as yet he was in Possession of the Patriarchal Throne. This it seems he condescended to, on *condition* the *Marriage* should not go on: However, within three days after, *Thomas* a *Presbyter* performed the *Solemnity*, and was thereupon *Excommunicated* by the Patriarch. *Constantine* was *Christened* on the ἁγίαν φῶτα, our *Epiphany*, *Jan.* 6. So his Mother *Zoes* Marriage was on the 9th of the same *January*. That immediately caused the *breach*, and from that time forward the Emperor formed his Party for depriving the Patriarch. And *Cedrenus* tells us that they did it on the beginning of *February*.

Leo Gram.

The

The anonymous Continuator of *Theophanes* and *Leo Grammaticus*, are more particular yet in fixing it to the *first day* of that *Month*. These are more to be regarded than *Baronius*'s Author, *Joannes Curopalates*, who would have it to have been on the beginning of *January*. *Constantine* was Crowned on *Pentecost*, and then *Euthymius* officiated: thence is appears that *Nicholas* was dispossessed before *Pentecost*. But *Constantine* could not have been *Baptized*, nor *Crowned* before the year 906. At his Uncle *Alexander*'s death he was seven years old, as we are assured by the Continuator of *Theophanes*, and by *Leo Grammaticus*, the best Authors of those times. *Alexander* died on *June* the 6th, the *first* day of the *week*, and the first *Indiction*, as the same Authors tell us. These Notes shew it could not have been the year 912. as *Baronius* would have it, but that it must have been on the year following, 913. So also it is agreed that he was thirteen years old when his Father-in-Law *Romanus Lacapenus* got to be *joyned* in the Government with him: This appears by *Leo Grammaticus* to have been in that year wherein the Feast of the *Annunciation*, *March* the 25th, fell on the 5th day of the *week*, which must have been on the year 919. The same appears from the death of *Constantine* in the year of the World 6468. *Indict.* 3. *Novemb.* 9. All these Notes concur in the year 959. not in the year 960. wherein it is placed by *Baronius*. This was in the 54th year of his *Reign* or *Life*, for there is no great difference between them. And this number is made up of the three several Periods of his *Reign*, 13 wherein he Reigned with his *Father*, and *Uncle*, and *Mother*; 26 wherein *Romanus* was joyned with him, and 15 more after the *Deposition* of *Romanus*. These numbers reckoned backward from the year now mentioned, can go no farther than the year 906. wherein therefore *Nicholas* must have been deprived. *Nicholas* himself tells us, that it was in the *Pontificate* of *Sergius*, which is not by any means reconcilable with the *Chronology* of *Baronius*. This, by the way, for the *time* of this Example.

Scriptores post Theoph. vel. Leon. Sap.

Nicol. Ep. ad *Anast.* ap. Baron. an. 910.

40. However, it does not appear that *Leo* acted herein only by his *Secular* Authority. If there be any heed to be given to *Eutychius*, he tells us of something like a *Synod*, that sided with the Emperor against the Patriarch. He says the Emperor had with him Legates from the Patriarchal Sees, to whom were joyned several of the *Bishops* then in *Constantinople*, who were for his *Marriage*. These were somewhat more than the σύνοδ& ἐνδημοῦσα. And whether they were enough or no, to secure the *Emperor* and his *Priest* from the Censure of the Patriarch, and for continuing them in *Communion*; yet certainly they had been sufficient, according to the Customs of those Ages, for the *Deprivation* of a *Patriarch*; if there had not been *particular reasons* to suspect whether, in a Question so much disputed among the *Bishops* as that was, the *Majority* would think themselves obliged to be concluded by them. And it was, upon their *joyning* with the *Emperor*, that, as *Eutychius* tells us, the *Deprivation* followed, though *Eutychius* be not indeed express in telling us whether they were particularly concerned in the *Deprivation*. But neither have we reason to doubt, but that the Empe-

It is very probable that *Nicholas* was deposed by a *Synod*.

ror would rather *choose* to deprive him *Synodically* than otherwise, if for no other reason, at least for this, that he might therefore clear himself from the *odium* of making himself a Judge in his own Cause: The rather so, because we know he endeavoured to transact the Dispute amicably, and with due *deference* to the *Ecclesiastical* Authority, which shews him unwilling to use his *Power*, if he could have avoided it; and because withall he had a *Synod* ready convened, who were likely enough to second him in it. For why should we suspect them unwilling to concur in the *Deprivation*, when they had concurred in *allowing* the *Marriage* that had occasioned it? And there are *circumstances* which confirm the likelihood of a *Synodical Deprivation*, independently on the Authority of *Eutychius*. *Nicholas* himself owns the concurrence of Pope *Sergius*'s Legates against him, who were for *dispencing* with the *Marriage*. It seems therefore that *Leo* had sent for them before the *Marriage*, and the *breach* occasioned by it; otherwise they could not have reached *Constantinople* before the *Deprivation* of *Nicholas*. Thus therefore it is certain, that at that time there were present the Legates of at least *one* of the *Patriarchal* Sees. And why should we suspect but that, in a Controversy of so great importance, when he sent for the Legates of *one* of the Patriarchal Sees, he sent for *all* the *rest*? But so it was, those Legates could only undertake for the sense of those *Patriarchal Jurisdictions* that were represented by them. It is by no means likely that he would neglect the fifth *Patriarchal Church* to which himself was particularly related. In all probability, the same *time* that he sent for the Legates of the *Foreign Patriarchs*, he ordered matters so, that upon their arrival they should be *met* by a *Synod* of *Bishops* of his own *Dominions*, that so he might have the sense, if not of his *own Patriarch*, at least of his *own Patriarchal Church*. This made an *appearance* of the *Whole Church*, and of a *General Council*, when he could pretend to the sense of *all* the *Patriarchates*, and is withall certain that he endeavoured to draw the *Bishops* of his *own Dominions* to his Party, and that his endeavours were successfull with many of them: And this difference of *Opinion* that was between them, was that which occasioned the following *Schism*. Then withall we know that he charged the *Patriarch* with a *Crime*, as the *ground* of the *Deprivation*; that was of *Lying* and *Perjury*. Probably in the *agreements* made between them before the *breach*, to which it is probable that the Parties concerned had *Sworn*, that the prete ded *Violation* of those *Oaths* was that which the Emperor charged with *Perjury*. Thus as there was a *Judicatory*, so we see likely *materials* to ground a *judicial* Process. And why should we doubt but that as he made this *Synod* Judge of the *Marriage* it self; so that he also allowed them to pass their *judgment* on this *Canonical Accusation*? So little likelihood there is that this Case can serve the purpose of our present Adversaries, concering a Lay-Deprivation.

However our Author is mistaken when he thinks a *Schism* did not follow upon it.

41. However our Author says that *Nicholas* did not thereupon *separate* from the *Communion* of his Rival-intruder. Nay, farther, that when he was afterwards restorded in the time of *Alexander* the Brother of *Leo*,

Leo Gram.

in the year 912. he did not disanull the *Orders* given by him. But that a *division* of *Communions* followed on this injurious *Deprivation* is certainly evident in the *History* of that *Age*, if any thing be so. The words of the *Collector* of *Jus Græco-Romanum* are very expres, that there were *Schisms* among them, and *much disturbance*. I need not mention the like Testimonies of the *Historians* in a Case so undeniable. These were the *Schisms* which occasioned the famous *Tome* of *Union*, which made the third part of the *Synodicon* here referred to, and which is still preserved in the now mentioned *Collection*. So the *Continuator* of *Theophanes* and *Joannes Curopalates* say, that it was *here* that the *Metropolitanes* were *united* who had been divided by *Nicholas* and *Euthymius*. But perhaps this *breach* of *Communion* was rather from the *Followers* of *Nicholas*, than from *Nicholas* himself. So our Adversaries might possibly pretend, if we had not still extant an *Epistle* of *Nicholas* himself to the *Bishops* who were out of *Communion*. This makes it plain, that they were out of his *Communion* also when he was again *resettled* in his *Patriarchate*. So unhappy our Author is in his design, that even in his own *Collection* he has given us another instance of that which he would needs *perswade* us, and *perswade* us from *this* very *Collection*, that it never happened. For here we have another Case, when a *separation* of *Communion* was made for vindicating a *Personal Right* in one who had been injuriously deprived, even against an *Orthodox Successor*: For *Euthymius* was so far from being guilty of any other properly-called *Heresie*, that he was *Orthodox* even in the point here disputed of, which in that Age was called *Heresie*, even in preserving the *Canon*, which *Nicholas* had been so zealous for, against fourth *Marriages*. *Leo* the Emperor, when he had gained his point, was not contented with the liberty himself had taken, but would have carried the matter farther: He endeavoured also to set forth a *Constitution* whereby fourth *Marriages* should have been permitted to others of the *Laity* also; so his Predecessors *Valentinian* the elder, and the Great *Justinian*, had done in like Cases of doubtful *Marriages* practiced by themselves. No doubt they looked upon it as a thing discreditable, if themselves should take a liberty that might not be allowed to others of the *Laity*. But this *Euthymius* also opposed, as *Nicholas* had done before; and with such success that it did not pass. This he did by his interest in the *Ecclesiastical Council* requisite by the customs of those times for passing *Constitutions* that were *Ecclesiastical*; as there were *Lay Councils* requisite for the *Constitutions* that were purely *Temporal*. All therefore that *Euthymius* had done to gratifie the Emperor, was the same which had been granted by the Legates of Pope *Sergius* at the expulsion of *Nicholas*, not to justifie the matter of fourth *Marriages* in general, but only to *dispense* with the Emperor's particular *Case*.

Σχίσματα ἐν αὐτοῖς ἡ στάσις πολλή. *Græc. Rom.* Part. 1. Lib. 2. p. 104.

Ap. Baron. *An.* 917. *Numb.* 4.

Τὸ βασιλέως βούλευμα εἰς πρᾶξιν πᾶσαν, καὶ νόμου ἐκβιάσαι, τὴν ἴσχυν ἀνεῖναι τῆς γαμετῆς ἢ ὀλίγων τοῦτο λογικοῦ τῶν ἀνδρῶν συναγέλαν αὐτῶν. Annal. Simeon. *Logot. inter Scriptores* Byzantinos *post.* Theophan.

42. Nor has our Author any *express* Testimony for denying the *Schism* which here fell out so *contrary* to his own *Principles*, at least as to matter of *Fact*. *Zonaras* is his Author from whence he took his *Case*, and to whom he refers us for it; but he has nothing to countenance our Author's Observations

Our Author does here, as well as elsewhere presume there were no *Schisms* where *really* there were *Schisms*, only on the Testimony of the *Tomus Unionis*.

vations upon it. He neither tells us that *Nicholas* did communicate with *Euthymius*, nor that he did approve his *Ordinations*. These things are our Author's *Inferences*, not from *him*, nor from the *Dyptichs*, (as our *Editors* fancy,) but from the *Acclamations* at the passing the *Tomus Unionis*. These *Acclamations* he therefore takes for the *sense* of the *Church*, because in *his time* they were read every year, on the month of *July*, in the *Ecclesiastical Desk*. We do not otherwise find any intire publick *Catalogues* of the *Patriarchs* preserved in any *Ecclesiastical Dyptichs* in our Author's Age; and our Author mentions none but those who were mentioned in that *Tomus Unionis*, as we have it now extant: There we find all the Names of those whom our Author reckons as still Honourable in the esteem of the Church of his own time, and that in the *forms* alluded to by our Author. Our Author says an *Anathema* was pronounced against all things that had been *written* or *spoken* against *Tarasius* and *Nicephorus*: He means by *Plato* and *Theodorus*, and their *Saccudiote* and *Studite Monks*. And this very form he expresly quotes, not from the *Dyptichs*, but the *Synodicon*, as it is also quoted from the same *Synodicon* in the fragments of *Photius*'s Eighth *General Council*, first published by Dr. *Beveridge*; and accordingly we find it in the *Tomus Unionis* as still extant in the Collection of *Jus Græco-Romanum*: For this *Tomus Unionis* concerning *Marriages* made a third part of the *Synodicon*, as we are assured by *Anastasius Cæsareensis*, published by *Cotelerius*. This *Synodicon* our Author supposes every Man to know, that is in his own Church of *Constantinople*. For it was read *publickly* in the *Desk* in the *Patriarchal Church*, as *Nico* tells us, one of our Author's witnesses, in a fragment of his, preserved by the same *Cotelerius*. Nay, it was read *annually*, not on the first *Sunday* of *Lent*, as our *Editors* fancy, but in the month of *July*, as we are assured by *Balsamon*. Our Author again proves the *Honour* the Church had for *Photius*, and *Ignatius*, and *Stephanus*, and *Antonius Cauleas*, from those words which he therefore supposes to be the *publick* words of the Church, "May the Memory of *Ignatius*, *Photius*, *Stephanus*, and *Antonius*, the most "holy Patriarchs, be everlasting; and whatsoever has been spoken against "*Ignatius*, and *Photius*, and *Stephanus*, and *Antonius*, the most holy Patriarchs, "let it be Anathema. These words are also produced from the same *Synodicon* in the fragments of Dr. *Beveridge*, and are also the very words of the *Tomus Unionis*. Thus therefore our Author reasons, that because all these persons are honourably mentioned by the Church, therefore they all died in her Communion, and therefore could not have been out of Communion with each other. And as from that mention of *Ignatius* and *Photius* in the *Tomus Unionis*, and the *Synodicon*, our Author gathered, that they were not out of Communion with each other, against the expres Testimonies of coæval Historians to the contrary; so, in all likelihood, it was the same reasoning that made him presume the same concerning *Nicholas Mysticus* and *Euthymius*; they were as expresly mentioned in the *Synodicon* as the others, though our Author is not himself so expres in taking notice of it. And why should he otherwise refer us for their story to *Zonaras*, who mentions nothing

P. 25, 26.

Anast. Cæs. apud Cotelerium *Tom.* 3. *Monumentorum Græc. Eccles.* p. 432, 433. *Nico* ib. p. 443.

p. 29, & p. 30.

nothing of their keeping in each other's *Communion*, if he had not presumed this as *notorious* as the other, from the so often formerly mentioned *Synodicon*? The reason was obvious why he did not repeat this, because he says *every body knew it*, and he had *mentioned* it so often before. We must remember, he spoke these things to his *Pupils* in the *Patriarchal Church*, in the very *Place* where it used to be read annually; but this Reason would not have held for his concealing any other *Evidence*, that had neither been so *evident* to his *Auditors*, nor so expressly and so frequently mentioned by *himself* on other occasions.

43 But neither our *Author*, nor our *Adversaries*, have hitherto considered how *incompetent* this Testimony of the *Synodicon* was for proving what they design to prove by it. *Dyptichs* indeed might have been presumed from the *Times* of the *Persons* mentioned in them, if nothing had appeared to the contrary, because the *Names* conveyed by them were in course entred into those *Dyptichs* whilst the *Persons* were living, and in *Office*, if it had then been the custome to continue *Names* in them after the *Death* of the *Persons* concerned in them: This had been at least a *Presumption* that they had *dyed* in *Communion* with the *Church*, and with *each other*; and that whatever Differences might have risen between them whilst they were *living*, that might have occasioned an *Expunging* them; yet that those Differences were reconciled before their *Deaths*, when both Parties were thus communicated to Posterity, without any Blemish on their Reputation; but the Case was quite otherwise in the *Tomus Unionis*, and the *Synodicon*: The *Tomus Unionis* was made on a particular occasion of a *Difference*, and that a difference in *Communion*, which might have proceeded to the uttermost Extremities *before* the *Union* was at last agreed on. Thus it can by no means be taken for an Argument that the Persons concerned in it had not been *formerly* divided, but rather the contrary: For if there had been no *division* in *Communion* before, what need had there been of their *Uniting*, which was agreed on by *both* Parties in the *Tomus Unionis*? Not onely so, but this *Tomus Unionis* was agreed on at some time after the Persons principally concerned on *both sides* were *dead*; and at that *distance* that can give it no security from being *mistaken*, as to Matter of *Fact*. Thus all that can be gathered from it is, that the *Church* at that *distance* was in *Communion* with *both*, as far as the *dead* are capable of *Communion* with the *living*; that is, by an honourable *Commemoration*: But it cannot thence be gathered, that the *Persons*, when *living*, were *ever* in *Communion* with *each other*; the contrary may rather be presumed, where their mutual *Communicating* cannot be made out by *express* and positive *Testimony*. Thence it appeared, that the *Differences* in *Communion* proceeded farther than the *lives* of the *Persons* who begun them: Whence it will rather follow, that those *Beginners* of the *Divisions* persisted in them to their *Deaths*, unless *Evidence* may be produced to the contrary, that may over balance this *Presumption*. Our *Editors* tell us, that this *Synodicon* was first agreed on in the Year 842. in the beginning of the Reign of *Michael* and *Theodora*. Had it been so, *that* had been

The *Acclamations* of the *Tomus Unionis*, to which our Author so frequently refers, were no elder than the year 995.

From Du Cange's Gloss. Graec.

been some while *after* the *Deaths* of *Tarasius* and *Nicephorus*; but they give us no Authority for it: Nay, it was impossible it could have been so. The *Tomus Unionis*, and *that part* of the *Synodicon* we are speaking of, do wholly concern *fourth Marriages*. And how could that *Union* be made before the *Divisions* that occasioned it? That *Question* was not started till the Time of *Leo Sapiens*, and the Patriarch *Nicholas Mysticus*; that is, as we have already shewn, not before the Year 905. accordingly the first passing of this *Bill* of *Union* was not before the Year 920. in *July*, the 8*th Indiction*, in the Year of the World, as they reckon, 6428. in the time of *Constantine Porphyrogenneus*, and *Romanus Lacapenus*; some make it the year following: And from this *former* time of passing it in the Month of *July*, the custome of *reading* it *annually* seems to have been derived, and *that* was appointed for the *Month* of *Reading* it. But it seems the Differences revived again, and there was a *new Synod* for restoring the same *Union*; that was in the Reign of *Basile* and *Constantine*. The *Basile* who had a *Constantine* for his *Collegue*, could be no other than he who for distinction sake was called *Bulgaroctonos*, from his *Victories* against the *Bulgarians*. To his Time belong the Patriarchs, who are said to have presided in this *second Synod*: *Johannes Curopalates* makes it to have been *Sisinnius*; but the Words of the Synod it self, as we have them extant in the *Jus Græco Romanum*, shew that it was his Predecessor *Nicholas*, not *Mysticus*, but *Chrysoberges*: They are both of of them Patriarchs of this *Reign*, and probably *both* of them presided in this *Synod*, *Nicholas* in the *beginning*, and *Sisinnius* in the *end* of it. If this Conjecture be right, we shall thereby gain the *Year* of it exactly: It must have been the year wherein *Nicholas* dyed, and *Sisinnius* succeeded him. This will conveniently enough suit with the Insertion at the end of that *Tome*, which the *Editor* has printed in a smaller Character, and called a *Scholion*, no doubt because he found some such note of Distinction in his *MS*. What follows from that place to the end, seems to have been added in that later Council, wherein this *Tome* of *Union* was decreed. The Author of that *Scholion*, as it is called, speaks plainly of those Times as if they were his *own*: In regard that the Words do very well fit the Persons of the *Fathers* of the *Council* themselves: They there reckon from the first starting of the Controversie concerning *fourth Marriages*, to that part of the Reign of *Basile* and *Constantine* in which that *Synod* was held; that is, as I have shewn, to the year of the *Death* of *Nicholas Chrysoberges*, and the *Succession* of *Sisinnius*, ninety years: This will sufficiently fix the *Year* of this second Council. The beginning of this Dispute was when *Leo* the *Wise* first designed his *fourth Marriage*, which must have been in the year 905. In the very beginning of the year 906 the Nuptials were solemnized, and Matters were so far advanced, that the Patriarchal *Legates* were now at *Constantinople*, and sided with the Emperour against the *Patriarch*, which could not have been, if the Matter had not been debated, and they sent for in the *year before*. Thus the 90 years will end exactly in the year 995. and the *Death* of this *Nicholas* is by *Johannes Curopalates* placed in the 8*th Indiction*, which con-

Sim. Mag. Ann. n. 18.

concurs with the *former* part of that year before *September*. But however though the *Union* was perfected under *Sisinnius*, yet the *Decree*, as we have it now, was made before the death of *Nicholas*. That appears from the *Acclamation* there mentioned in the Council, not in the form used by them to the *deceased*, but that which is there appropriated to the *living*. Their *Acclamations* to the *dead* are to wish their *Memory everlasting*: Their *Acclamations* to the *living* are to wish them many years. This was the old form first taken up in the times of the *Heathen* Emperors, and from thence deduced to the *Christians*; and in this form the *Acclamations* in this Council run to the *living* Emperors and Empresses, and the other Patriarchs of this Synod, and so to our *Nicholas* among the Patriarchs. And to this *later* Synod belong all the *Acclamations* subjoyned to the *Tomus Unionis*: That is clear from hence, that even *Nicholaus Mysticus*, in whose time the former Synod was held, is here celebrated with the *Acclamations* of the *dead*; and not only he, but all his Successors between him and our present *Nicholas Chrysoberges*. So little reason there is to think strange that the Predecessors of that elder *Nicholaus Mysticus* should be mentioned in the same form. Thus we see how little reason there is for this inference, that the heads of these dividing Parties must therefore, when *living*, have kept *Communion* with each other, because their differences were at length accommodated so long after their *deaths*, and because the Church which lived, as well out of the Memory as the concern of the first heats, pleased at length to take up forms grateful to both Parties, in honour of those who at first began the differences.

The Case of *Cosmas Atticus* in the time of *Manuel Commenus*.

44. The next instance is of *Cosmas Atticus*, deposed unjustly from the same See of *Constantinople* by the Emperor *Manuel Comnenus*. Yet he, as our Author tells us, neither made, nor taught any division of Communion from them who had injured him. But it is certain this Deprivation was not made by a Lay-Power, but Synodically. The Synod is expressly mentioned by those who mention the Case. *Nicetas Choniates*, to whom our Author refers us for the Story, tells us expressly, that the Patriarch * excommunicated the Synod that assembled to deprive himself, for their frequenting the Palace, and their manifest προσκλησις, *accepting of the Emperor's Person*, in the Judgment they had given against him. The like expressions there are also in (*b*) *Cinnamus*, intimating that this Deprivation was decreed Concilarly. Nay, (*c*) *Leo Allatius* has preserved and published the Synod it self, by which we know the year, and day of it. Thence it appears, that *Cosmas* was deprived on the 26th of *Feb.* which fell in the 10th *Indiction*, and the year of our vulgar account 1147. But our Author says, that *Cosmas* himself neither divided, nor countenanced any division on his own account. But how comes our Author to know that he did not so? His Author *Nicetas Choniates* says no such matter. And he has here neither *Dyptichs* nor *Conciliary Acclamations* from whence he might either gather, or presume it. His Author particularly is so far from owning it, that he tells us expressly of his excommunicating the Bishops of the Synod; that is the constant notion of the word ἀφορισμὸς in the Ecclesiastical *Canons*, as it is opposed

* Ἀφορίζει, &c. ἐφ᾽ τῷ τότε συνελθόντας αὐτὸν καθελεῖν συνόδου, &c. *Nicet. Chon.* l. 2. n. 3.

(*b*) So *Cinnamus* also makes the proceedings to have been done by the Ἀρχιερεῖς, by which I understand the *Metropolitis* who in that Age *concluded* their Suffragan Bishops, *Cin.* l. 2. n. 10.

(*c*) *Allat. de cons. Occid. & Orient. Eccl.* l. 2. c. 13.

to καθαίρεσις, as that signifies a *Deprivation* of an *Ecclesiastical Dignity*: And the *Crimes* he objects against them, were such as had been particularly censured in the *Canons* and *Constitutions* of the *Church* of that *Age*: They had provided against Bishops appearing frequently at *Court*, and against *Partiality* in the *Ecclesiastical Judicatories*. Thus he avoided their *jurisdiction* over himself as being themselves *Criminals*, and responsible for their breach of *Canons* antecedently to their sitting in that *Synod*: And he insisted on his *own Right* to put the *Canons* in execution on those who were Subjects of his own Jurisdiction. But our Author understands his Author *Choniates* so, as if *Cosmas*'s sealing up the Womb of the *Augusta* from having any *Male* Children, had been an argument that his resentment proceeded no *farther*; and that he otherwise *owned* their Authority, and *submitted* to the *Deprivation*. But the word which the Interpreter of *Nicetas*, and from him the Interpreter of our present Author, translates by *execration*, the *English* Interpreter by *denunciation*, is ἐπιλύσεως, and signifies the infliction of ἐπιλύσεις, (that is the proper *Ecclesiastical* Term for *Ecclesiastical* Penences) upon the *Violaters* of the *Canons*. This is exactly agreeable to the person he had acted in the now mentioned *Excommunication* of the *Bishops* who deprived him: This was as plainly an *Exercise* of his Patriarchal *Authority* over the *Emperor* and *Empress*, as the other was over his *Suffragan Bishops*. How then can it be an argument of any *difference* to their *Censures*? Of any *obligation* that he thought lay on him, in *Conscience*, not to *separate* from their *Communion*? Our Adversaries may perhaps fancy that our Author had some *other* Testimony for *Cosmas*'s not separating, than that of *Choniates*: For my part I cannot think he had any *other*, but that he *gathered* it, not from the words of *Choniates*, but his own *inferences*. He says in the *Summary* that *Cosmas* was succeeded by *Theodosius*. These could hardly be the words of any other *Summist* then the *Author* himself, who had not, in his Tract, so much as *mentioned* the Name of *Theodosius*: Yet he could not have made *Theodosius* his immediate *Successor*, had he consulted any other Catalogues of Patriarchs: But *Nicetas Choniates* took no occasion of mentioning any other *Patriarchs* between *Cosmas* and *Theodosius*; and *Theodosius* he does indeed mention towards the end of this same Emperor, *Manuel*. Thence our Author had an occasion likely enough to lead him into this mistake, that *Theodosius* was that *immediate Successor* with whom he supposes that *Cosmas* still maintained *Communion*: But it is certain that there were many *Patriarchs* and many *years* too between them; and therefore it must also be as certain, that our *Author* could have no express Testimony, that *Cosmas* did continue in the *Communion* of *Theodosius*. These Answers hold on the supposition that *Cosmas* was deprived *unjustly*: Yet there is reason to question whether that was indeen his Case. It is sufficiently clear that the *Synod* charged him with the *Bogomilian Heresie*, for favouring *Niphon*, who had been censured for it *Synodically* in the time of his Predecessor: Nor does *Nicetas* bring any thing in his defence to prove that he was *not* guilty of it. Nay, he owns that he had an excessive favour for the *Heretick*, without the least

distinction

distinction made between his *Person* and his *Heresie*: This at least is certain that he was a *Heretick* in the *Opinion* of the *Synod* that deprived him. And how then could he continue in their *Communion*? How could our *Author* justifie his doing so, when himself acknowledged that a *precondemned Heresie*, such as this was, did *oblige* to separate from *Communion*? How can he commend them for doing so, or *reason* from their Practice as a *Precedent*, when by his own *Principles* it was not *allowable*?

45. As to his instances in the Reign of *Isaacius Angelus*, we have a very imperfect account of them in History. We have *now* no other Original Author of those times that gives any distinct account of that Reign, but our Author *Nicetas Choniates*. Thus we do indeed know as much as our Author, and no more; for *Nicetas* is slighter in these matters than they deserved. In the *Deprivation* of *Basilius Camaterus*, he tells us the charge laid against him, was that he had suffered Women who had been made Nuns against their Wills, to resume their Secular Habit, and to return to their Secular way of living. This was an *Ecclesiastical Crime*, and therefore proper for an *Ecclesiastical* Tribunal. And the next instance of *Nicetas Muntanes*, who was cast out meerly for his *Old Age*, * without any *Accusation*, and yet against his *Will*, seems to imply that *Basilius* had *Accusation* which *Nicetas* had not. This *Accusation*, if it had any thing peculiar in it from that which was used in the Case of *Nicetas*, must have been such wherein the *Emperor* did not judge as he did in the Case of *Nicetas*. And what *Judicatory* then can we suppose it to have been before whom it was brought, if not a *Council*? However *Nicetas* (will our Adversaries say) was deprived by a *Lay-Power*, without any *Accusation*, at least before any other *Judge* besides the *Emperor* himself. Suppose it was so, yet that will not prejudice the *Right* of his next *Successor*, nor make him *schismatical*, nor warrant any *Separation*, even by our *Principles*: Before he came in the See was *validly vacated*; if not by the *Deprivation*, yet by the *Cession*, however involuntary, that followed upon it. That he did at length † *Surrender*, we have the express Testimony of the Author of the *Catalogue* of *Patriarchs* that is subjoyned to the *Jus Greco-Romanum*. Thus the third of the *Patriarchs* under the Emperor, was brought in by a good Authority. The Question then can only be, whether his Place was as fairly *vacated* for his *Successor*, as his *Predecessor*'s had been for him. And indeed it was so, and by the same way, not of a *Conciliary Deprivation*, but of a *voluntary Surrendry*. So we read in our *MS. Catalogue* of *Patriarchs* by *Nicephorus Callistus* καὶ ἐξελθὼν παρῃτήσατο. So the Author of the *Catalogue* in the *Jus Greco-Romanum* assures us, where we read expresly παρῃτήσατο. The last Case is that of *Dositheus*; and here the Emperor shewed a piece of Art that did not very much become him. *Balsamon*, the famous *Canonist*, was at that time *Patriarch* of *Antioch*; Him therefore *Isaacius* consults, as a person whose Authority was like to go far in influencing the *Bishops*; and the Question he propoles to him, was that which has so frequently been controverted in the *Greek* Church, concerning *Translations*; And to incline *Balsamon* to be favourable in the Case, he

In all the *Successions* under *Isaacius Angelus*, the Throne was validly *vacated*.

* Ἀφῃρέθη τὸ ἀρχιερατικὸν ἀξίωμα. *Nicet. Chon. in Vit. Isac. Ang. n.* 4.

† Ἀντὶ παραιτήσεως. *Jus Gr. Rom. Part* 1. *p.* 303.

 he

he makes him believe, that his design was to translate the *Canonist* himself from *Antioch* to *Constantinople*; whether this influenced him, or not, is uncertain: However the *event* was such as the *Emperor* desired, that the *Patriarch* gave his opinion in *favour* of *Translation*. We plainly see hereby, that the *Emperor* did not pretend *absolute Power*, but only the execution of the *Canons*. When therefore he had thus gained his point, he immediately orders the *Translation*, not of *Balsamon* from *Antioch*, but of his Favourite *Dositheus* from *Jerusalem* to *Constantinople*. The *Bishops* finding how they were imposed on, make head against him, as a Person for whom they never intended the favour of a *Dispensation*: But he got *Possession* of the *Throne*, though he held it only for nine days; then he was (*a*) cast out again by the *Schism* that followed upon it of the *Arch-Bishops* and *Clergy* from him: So our MS. *Nicephorus Callistus* in his Catalogue expressly. Here we see a *withdrawing* of *Communion* from a person who wanted a good *Title*, without any pretence of any *Heresie* maintained by him: But the Emperor was very much bent on having *Dositheus* in that Employment, and at last prevails; but not by our modern way of using his *force*, but by the *Consent* of so many of the *Bishops* as were sufficient to make a (*b*) *Synod* in favour of him. This perhaps our Author might not know, because his Author *Nicephorus* had nothing of it: However we have as good Authority for it as our Adversaries can pretend from their Author's *silence* in it. Our Author of the *Catalogue* of the *Patriarchs* subjoyned to the *Jus Græco-Romanum*, is very plain and full in it; and he was perhaps a little elder than their anonymous; for he concludes his *Catalogue* with the first Patriarchate of *Joseph*, in the Reign of *Michael Palæologus*. However, *Dositheus* did not enjoy the place *long*: (*c*) Some few *years* are mentioned in the *Catalogue* with the *Jus Orientale*; but the number was not legible there. The *Greek* Catalogue in the first Volume of the *Byzantine* Historians, is something more particular, and tells us of *two years*. With the help of this information, we may possibly gather a more distinct account out of our *Manuscript* Catalogue of *Nicephorus*, which had otherwise not been so easily intelligible, that it was not two full *years*; for so *Nicephorus* in his *Catalogue* has it, ἓξ ὑπερκείμενον ἔτους ἑνός, —— the *number* of the *months* and *days* are wanting which must have made up *near* another *year*. But by that time *Nicephorus* says, the *Schism* was risen to that height, that he was the *second* time deprived, and finding his former *Throne* of *Jerusalem* filled, he abdicated both *Thrones*, as well that *to* which, as that *from* which, he had been *Translated*. Thus it again appears in an instance so near our Author's Age, that there was a *Schism* in this case, where notwithstanding our Author's *reasonings* does necessarily oblige him to suppose there was none; by which we may easily perceive how unaccurate his *Informations* were, even in matters so near his own memory. He seems to have known no more of this whole affair, than what his still extant Author *Nicetas Choniates* told him, and he did not think fit to take notice of the *Schisms* that occasioned both these *Deprivations* of *Dositheus*: Yet even *Nicetas* mentions παραπομπάς, *separate Assemblies*.

(*a*) Καὶ καταβάλλει εὐθὺς διὰ τὸ μίσος τῶν Ἀρχιερέων καὶ τοῦ κλήρου ἐξήμα, &c. *Nicephor. Callist. MS. Catalog. Patriarcharum.*

(*b*) Οἰκειοῦται καὶ βασιλικῶς χαίρει Ἰωαννὴν τὸν Ἀγχίαλον, συνδιαιτᾶται καὶ τῆς Συνόδου. *Jus. Gr. Rom. p.* 303.

(*c*) Χρόνος *Catalog. in Jus. Gr. Rom.*

Here was plainly a *Schism*, not on the pretence of any objected *Heresie*, but on account of an *original* defect of *Title*. They reckoned the Emperor's *Translation* as nothing, and the *Church's* consent to it as nothing, because the Question had been proposed insidiously. All that *Balsamon* and the *Bishops* influenced by him had granted, was, that in *general* the *Canons* of the Church against *Translations* were *dispensible*, where the Church was pleased with the *Person*, so far as to think that *he* particularly deserved a *Dispensation* with her general *Rules*; only the *Application* of the *Canon* to *Dositheus*, was the Emperor's Act, which we see was not allowed him by them who made the *Separation*. Had the *Translation* been valid, and by a sufficiently obliging Power, their Duty had necessarily followed upon it, and they could not have been at liberty, even in *Conscience*, to dispute it, after a *Synod* had consented to it, and after a *Possession* with two years settlement. But by the *Schism* we have reason to believe that the *numbers* of the *Synod* that consented, were *less* than of those who had *never* consented from the *beginning*; otherwise they had been concluded by the *Synodical Act*. Or else the only reason that could be for excepting against the *Synodical* Suffrages, must have been, that the Emperor's Authority was thought too influential on those publick Meetings. Every way it appears how little the *Secular Power* was regarded, even in those late times of *Isaacius Angelus*, when his Authority, tho' seconded by a *Synod* for applying the *Dispensation* to *Dositheus*, was not thought sufficient to *oblige* an *absent* Majority dissenting from them, even with regard to *Conscience*, when even in such a Case as this, the Cause was at last over-ruled by those that *separated*, and carried for them. This plainly shews how little these practices of *Isaacius* were approved of by the generality of the best Judges of his *own time*, when they durst express their thoughts concerning them with any *freedom*. It was, in all likelihood, the *unpopularness* of these *Invasions* of the *Liberties* of the *Church*, that gave his Brother *Alexis* a great advantage against him, which ended in his *Deprivation*. Even (a) *Nicetas* himself, from whom our Author takes these things, does not mention them without a severe *Censure*. How then could our Author reason from them as *Precedents*? How could he pretend the Authority of *Nicetas* for a reasoning so different from the Sentiments of *Nicetas*?

(a) Ὅπου δὲ καὶ τῆς βασιλέως ὁμοῦ καὶ ἱερέως ἐκεῖσε ἀπερχομένης μηδὲν ἧττον αἱ τῶν ἀντιφερόντων καὶ ἀλλοῦ τοῦ δεῖ τι καὶ ἀνθιστάντων περὶ τοιαῦτα βασιλέας ἰσχύειν ἔφη &c.

46. It was therefore no such admirable matter, if it had been true, if there had been no *Separation* between these five Patriarchs of this Reign, succeeding each other in so short a time. It is not *true*, that they were deprived *purely* at the Emperor's pleasure. It is not *true*, that their Places were invalidly *vacated*. All of them were either deprived *Synodically*, or *abdicated*. There is no need to dispute how *unjustly* or *corruptly* the *Synods* proceeded in depriving them, nor how *unwilling* themselves were in their *Abdication*. Even an *unjust Synodical* Sentence was, by the *Canons*, sufficient to *vacate* their Places, till they could be remedied in *another* and a *greater Synod*, which none of them ever had. And even an *involuntary Abdication*, if Formally and Canonically made, was sufficient to cut them off from any pretensions to their former *Rights*. They had therefore, in these cases, no

Therefore 'tis it had not been *strange* if no *Schism* had followed it.

pretence

pretence left to *vindicate* their *Rights* by a *Separation*, or to queſtion the *validity* of the *Acts* of *Succeſſors*, who were brought into Sees ſo *validly vacated*. And why ſhould it be thought ſo *admirable* that they did not make diſturbances where they had, by the *Canons*, no tolerable pretence to do ſo? Why ſhould they be thought *Precedents* for our *preſent Holy Fathers* who are neither *deprived Conciliarly*, nor have made any even *involuntary Abdication*.

Mr. *Hody's* Exhortations to *yield* for *Peace's* ſake, more juſtly applicable to his *own* Fathers than *ours*.

47. Thus upon the whole, it has appeared that our Author's *Inſtances*, as they were never *deſigned* ſo neither do they *make* for our *Adverſaries* purpoſe. Our *Adverſaries* pretend, that *unjuſtly deprived Biſhops* never *vindicated* their *Rights* by a *Separation*. And we confeſs we cannot make the contrary Obſervation, that unjuſt *Poſſeſſors* were *always* ſo *modeſt* and ſo *reſigned* to the *Church's Peace*, as willingly to *ſurrender* the *Uſurpations*. Will they therefore make them *Precedents* in this particular? So indeed they may if they can have the *Conſciences*, if they can find in their *Hearts* to do ſo. But are they not in the mean time *aſhamed* to tell us that *good Biſhops* have been willing to *part* with their *Rights* rather than they would break *Communion*, when their *own* Fathers will rather break *Communion* than make *Reſtitution*? It were eaſie here to retort all Mr. *Hody's* Exhortations upon his own *Intruders*; I am ſure he can give no *Arguments* why good Men ought to *ſurrender Rights* for *Peace* ſake, but what will proceed more cogently for *ſurrendering Uſurpations*. But we have many new Topicks that we can juſtly uſe to *his* Fathers, which he cannot pretend to uſe to *ours*: We have the *Right* and *Duty* which was owing from *his* to *ours* before the encroachment, and which his own reaſoning does not pretend not to be owing ſtill: We have their Sacred Vows of *Canonical Obedience*, for *ſecuring* that *Right* and *Duty* where no Worldly Power can force them to it, which no other Power in the World can diſpence with, but *that* for whoſe *Intereſt* they were impoſed: We have the dreadful *imprecations* implied in all ſuch *Oaths* as an obligation for performance. Methinks our adverſary Biſhops ſhould tremble at the conſequence, if *God* ſhould no otherwiſe *help* them, than as they have performed their *Duties* to their reſpective *Ordinaries* and their *Metropolitans*. Their great *Plea* of the *Publick Good* we can beter pretend than they, if they will allow that the *Eternal* intereſts of *Souls* and of *Religion*, are more to be valued in a *Publick Account* than *Worldly Politicks*: And this is methinks a conceſſion for which we need not be beholen to any who own themſelves *Chriſtians*. And certainly it is more for the *publick good* of the *Church* that *Subordinations* ſhould be preſerved, than that any particular *perſon* ſhould be made a *Biſhop* by offering *violence* to them. It is more for the *publick good* of *Religion*, that the *Glorious Paſſive* Doctrines of the Church ſhould be maintained in *oppoſition* to *Worldly Intereſts*, than that they ſhould ſeem *proſtituted* to ſerve them. It is more for the *publick good* of *Religion*, that the *Credit* of the *Clergy* ſhould be maintained, than that they ſhould enjoy the benefits of *Worldly Protection*. It is more for the *publick good* of *Religion*, that the *Independency* of that *Sacred Function* on the *State* ſhould

be

be asserted by *challenging* their *Rights*, than that by *yielding* them the *Lay-Power* should be owned to have any Power of depriving us of the comfort of *Sacraments* in a time of *Persecution*. It were easie also to shew, that the *Doctrines* and *Practices*, in *defence* of which our *Holy Fathers* have incurred this *Deprivation*, are more for the *Interest* even of the *State*, even of the *Civil Magistracy*, than those which are likely to obtain upon their *Cession*. Even the *State* cannot subsist without Obligations of *Conscience* and the Sacredness of *Oaths*, and these can signifie nothing for the security of any *future* Government, if they must signifie nothing for the time *past*. It is not for the *Interest* of the *Publick* to secure *ill Titles* in their *Possession*, and thereby to encourage the *frequency* of *ill Titles* and *frequent* Subversions of the *Fundamental Constitutions*, and all the *Publick* Miseries that must follow on such *Changes*; especially in a Settlement where all the care has been taken that was possible, to preserve it by *obligations* of *Conscience*. And certainly Mr. *Hody* will not say, that our *invalidly deprived* Fathers are obliged to submit to the *wrong* that is done them, where there are not *publick* considerations that may make *amends* for the *private injuries*. But if Mr. *Hody* will needs live rather by *Precedents* than *Rules*; yet where will he find even a *Precedent* for his own Case? Good Men indeed have been willing rather to *part* with their own *Rights*, than they would violate the Church's *Peace*. So did St. *Gregory Nazianzene*, so St. *Chrysostom*, so the *African* Fathers: But where will he find a *Mediator* for *Peace* on any *good* account, who did as he does, who only addressed his Exhortations to the *injured Persons* to *part* with their *Rights*, not to their *Injurers* to *restore* them? How can he hope to *perswade* those Persons against whom he shews himself so manifestly *partial*? His *own* Instances of *Mediation* are all against him. *Clemens Romanus* did not perswade the injured *Presbyters*, but the *Schismaticks*, the *Invaders* of the *Rights* of the *Presbyters*, to *submit* and quit their Interests in the *Party* that sided with them. I know Dr. *Owen* as well as Mr. *Hody*, has fallen into the same mistake, to think they were *Presbyters* who are here exhorted by St. *Clement*; but it is strange such Learned Men should fall into such a mistake, if they had considered any thing of the *design* of the *Epistle*. The persons with whom he had to deal, were οἱ ἄτιμοι τῶν τιμίων, οἱ ἄδοξοι τῶν ἐνδόξων, οἱ ἀφρονες τῶν φρονίμων, οἱ νέοι τῶν πρεσβυτέρων. n. 3. which are unlikely Characters of such as were *Presbyters* by *Office*. They were such as are supposed to *oppose* the *Presbyters* in *general*, *n.* 1. 44, 47, 57. In opposition to *them* St. *Clement* insists on the example of *Military Subordinations*, *n.* 37. Who sees not from hence that they aspired beyond the *Rank* and *Station* assigned them in the *Church*? He insists on the *Sacredness* of the *Sacerdotal Function*, *n.* 32, 40, 41, 42, 43, 44. And he warns them particularly, that *Laicks* were to be restrained within the *Duty* imposed on the *Laity*, *n.* 40. implying plainly that the *Schismaticks* were *Laicks*, and had nothing to do with the *Sacerdotal Function*. He makes it such a *Rivalling* the *Priesthood*, as the *Israelites* were guilty of when *God* convinced them of his *own* Choice of *Aaron*, by the miraculous *Blossoming* of *Aaron's Rod*, *n.* 43. This was evidently of persons *pretending* to the *Sacerdotal* Office when they had no *right* to it. He says the *Apostles* foresaw the same *Æmulations* for the *sacred Office* under the *Gospel*, and secured it from being invaded by deriving it in a Succession, out of which it could not be received, *n.* 42, 44. To what purpose could that Discourse tend, but to restrain such *Invasions* in the *Schismaticks* he had to deal with, supposing withall that they had no pretence to it on account of that Succession? It is to the *Heads* of those *Schismaticks* that this Author speaks in this place, *n.* 54. Nay, in the very

Or *Faith*.

For *invasion*, instead of *restitution*.

Clem. Rom. Epist. ad. Corinth.

very words produced by Mr. *Hody*, where the *Apostolical Author* personates them, saying, they would do the things enjoyned them by the *Multitude*, so that *the Flock of Christ might live in Peace with the Presbyters appointed over them.* So that in this very place they are *opposed* to the *Presbyters*. Only the word πλῆθος is unhappily translated *Plebs*, which made Dr. *Owen* fancy he had got a Testimony for his *Lay Congregational* Authority, and perhaps made Mr. *Hody* think they were not themselves *Plebeians* who were to receive the Commands of the *Plebs*. But the *Greek* (πλῆθος) signifies no particular *Rank* of the *Ecclesiasticks*, but takes in the whole *Body* for with the *Presbyters*, in opposition to the *smallness* of the *number* of the *Schismaticks*, who were ὀλίγοι παρόντες n. 1. ἐν ἰδίῳ τρίποδι, n. 47. And as little to his purpose is the other Author produced by Mr. *Hody*, *Dionysius Alexandrinus*. He also addresses his exhortations, as became a *just Mediator*, not to *Carthaginians*, but *Novatians*; to the *Invaders*, not to him who had *received* the *injury*. If he will therefore be true to his Authorities, let him perswade his *Usurpers* to do *Justice* to the persons *injured* by them. They are said to excuse themselves from the *odium* of the *Schism*, by pretending they were *forced* into their *Chairs*: But they who had the Spirit of our Ancestors would not have given the occasion for a *Schism* for any *violence*. St. *Cyprian* counts it as glorious to *die*, if the Cause should require it, for *Unity*, as for the *Faith*. Nor do our *Laws force* any to *accept* of *Bishopricks*, though they indeed *force* them who are to *Elect* and *Consecrate* them; and they have had some good *Precedents* of those who neither *would* be, nor *have* been *forced* into *Schismatical* Thrones: God reward them for it. Had all followed their examples, the *Schism* at least had been avoided, which is that which truly *Christian* Souls can bear with the least patience. But though the *first* Trial be past, Mr. *Hody*'s *Dimissus* has found an expedient for them *yet*, by which they may satisfie the World whether they deal sincerely in pretending *unwilling guests*. That is, by now *resigning* what they tell us they *were forced* to

A pathetical *Conclusion.*

48 May all at length return to a *love* of *Unity*, and an *abhorrence* of *carnal Politicks!* May they doe it whilst God is yet ready to *accept* it at their hands, and before it be too late for *securing* their own *greatest Interest!* May they doe it whilst they have yet an *opportunity* of *satisfying* the *World* by not gratifying *Flesh* and *Blood* in it, whilst they may in some measure *retrieve* the *Honour* of *Religion*, and prevent the *Ruine* of innumerable invaluable *Souls*, for which they must otherwise be responsible! May they doe it whilst it may be in their *power* to make some *Amends* for the *Scandals* given by them, without which their very *Repentance* cannot be *acceptable* to God, nor *beneficial* to themselves; before they provoke God to farther and severer Inflictions on our beloved *Countries*, and to *deprive* us of that *Religion* for which they pretend so great a *Zeal!* When shall we again *return* to our former *Communion*, and to our former *glorious Passive Doctrines*, and to our much *more glorious* Practice of them, in *suffering* for a good *Conscience?* When shall we on both sides instead of *Upbraidings* and *Reproaches* remove all just occasion of *Reproach*, and return to a noble *Emulation*, who shall doe most for a solid lasting *Peace* by *Principles?* We have had *Principles* more contributive to *Union* than all our new Projects of *Comprehension*, without uniting *Principles*; But what can *Principles* signifie, if we will not be *true* to them, if we will *fall* from them as often as they *pinch* us? We desire no *hard* things from them as Conditions on *their side* for a Reconciliation: We onely desire the *same* Terms from them on *which* we were united *formerly*, the common *Doctrines* of not onely *ours*, but the *Catholick* primitive *Church*; the Preservation of our *sacred Ecclesiastical Rights*, our *Duty* to our *H. Fathers*, which is not their *Invaders* Interest to deny, before a just *condemning* Deprivation, and the *same Innocent Offices* in *which* we formerly *communicated*. And what can they pretend to *yield* for *Peace*, if they will scruple Concessions so very *just* and *reasonable*; if they will not *restore* the *old* Terms, which may be done without *any thing* that can properly be called *Concession?* These things if they will grant us, we shall *all* return into their *Communion* with *Joy*; and *they* will also have reason to *partake* in our *Joy* for our having vindicated their *sacred Rights* against *future* Encroachments. But the least we can ask, or *they* can grant, is to gratifie us in the matter of our *present* Dispute, That they will not *invade* nor *maintain* injurious Possessions; that they will not by doing so cut *themselves* off, by their own *Act*, from *Communion* with *us*.

The End of the Second PART.

The

The CANONS *in the* Baroccian *Manuscript, omitted by Mr.* Hody.

Τῶν ἁγίων Ἀποστόλων Κανὼν λβ'.

Εἴ τις πρεσβύτερος καταφρονήσας τὸ ἴδιον ἐπισκοπεῖον χωρὶς συναγάγῃ ἑτέραν ἐκκλησίαν, καὶ θυσιαστήριον ἱδρύσῃ κατὰ τοῦ ἐπισκόπου ἐν εὐσεβείᾳ καὶ δικαιοσύνῃ καθαρεύοντος ἐν οἷς ἐλάττωται· τοῦτον δὲ φῶμεν ἀπόστατην μὲν καὶ ἀρχιερέα ἀνάξιον, τυραννικὸν δὲ ἐπίβουλον· καὶ τοὺς μετ' αὐτοῦ ἀποστάτας μὲν ἐκκλησίας, καὶ τῶν ἐπισκόπων φανέντας ἀνάξιους· καὶ μὰ βίαιον αὐτῷ γενέσθαι μηδὲν ἀναίτιον· καὶ πρῶτον καὶ δεύτερον καὶ τρίτον καλέσαι· τὸν καθαιρεθέντα παυσάσθαι καὶ μηκέτι διοικεῖν τὰ ἐκκλησιαστικὰ πράγματα· μηδὲ φωνάσθω καὶ ἀκουσθήτω τὸ ἴδιον τίμιον· οὐ δὲ ἀφορίσει ἀφορισθήτω καὶ ἀναγραφήτω τῶν ἐκκλησίας διὰ τῆς ὕβρεως ἐξοικίας ὡς καθαιρεθέντος αὐτὸν ἐπιτηδεύσαντος.

Τῶν αὐτῶν Συνόδων Κανὼν μ.

Εἴ τις ἐπίσκοπος ἐπὶ τινι ἐγκλήματι καταγνωσθεὶς κριθῇ ὑπὸ πάντων τῶν ἐν τῇ ἐπαρχίᾳ ἐπισκόπων, πάντες τὴν σύνοδον ἐπὶ μίαν καὶ αὐτὴν ἐξετάσεως χάριν τάττειν μηδὲ παρ' ἑτέροις δικάζεσθαι, ἀλλὰ μόνον βίβλους τὴν σύνοδον τῶν τῆς ἐπαρχίας ἐπισκόπων ἀπόφασιν.

Τῶν ἁγίων Ἀποστόλων Κανὼν ι'.

Εἰ τις πρεσβύτερος τῷ ἰδίῳ ἐπισκόπῳ ἑτέραν συνάξει ποιήσῃ, ἀνάθεμα ἔστω.

Τῶν αὐτῶν Ἀποστόλων Κανὼν ιγ'.

Τοὺς ἐπὶ αἰτήσεσι ζῆλον ἐπιτηδείως ἐν τῷ τῆς ἐκκλησίας ἀγῶνι ἐπιτελοῦντας καὶ πάσας ὁρθὰς τῷ μαρτυρίῳ τοῦ εὐαγγελίου ἐπιφερομένους ἐν φόβῳ ἐπίσης μεθοδεύειν ὅδον τῆς ἀληθοῦς ἀκριβείας· μήτε τὸ τοῦ Χριστοῦ σῶμα ἐκ μείζονος βασανισμοῦ ἐπὶ τοῖς ἐκκλησιαστικοῖς ἀγῶσι συλλέγειν· ἀλλὰ τοὺς ἐκκλησιαστικοὺς ἀγῶνας ἀγῶνας τοῦ κυρίου [illegible]

The 31 *Canon of the holy Apostles, instead of the* 32.

If any Presbyter, contemning his own Bishop, shall hold a separate Meeting, and erect an opposite Altar, having nothing wherewith to charge the Bp. in Matters of * *Piety and Justice*, let him be *deposed*, as an *ambitious Affecter* of Government; for he is an *Usurper*. So also as many of the *Clergy* as shall *join* with him shall be *deposed*, and the *Laity excommunicated*; but all this after the 1st, 2d, and 3d *Admonition* of the Bishop.

* Or *Faith*.

The 6th *Canon of the Synod of* Gangra.

If any Man hold a *private* Meeting *out* of the *Church*, and despising the Church, shall *presume* to perform the *Offices of the Church*, the officiating Presbyter *not being thereunto* * *licensed* by the Bishop, let him be *anathema*.

* For ἐπιτραπεὶς, *read* πρεσβυτέρου.

The 9th *Canon of the Synod of* Antioch.

If any Presbyter or Deacon, *despising* his *own* Bp. hath *withdrawn* himself from the *Church*, and *set up an Altar* in a *private* Meeting, and shall *deny* the *Admonitions* of the Bp. and will not be *perswaded by* him, nor *submit to* him, exhorting him again and again, he is *absolutely* to be *deposed*, and ought no longer to be treated as a *curable Person*, neither as one who can *retain* his *Honor*; and if he shall persevere to make *Tumults* and *Disturbances* in the Church, he is to be turned over, as a *seditious Person*, to the *secular Power*.

The 14th *Canon of the same Synod.*

If any Bishop, *accused* of any Crimes, be condemned by *all the Bishops* of the *Province*, who have *all* with one accord denounced the same Sentence against him, such a one *by no means* ought to be judged *again* by others, but the concordant Sentence of the *Provincial* Bishops *ought* to remain *firm*.

The 10th *Canon of the Synod of* Carthage.

If any Presbyter, being *puffed up* against his *own* Bp. shall *make a Schism*, let him be *anathema*.

The 13th *Can. of the Synod of* Constantinople.

The Devil having sown the Seeds of *heretical Tares* in the Church of Christ, and seeing them *cut up* by the *Sword of the Spirit*, hath betaken to himself a *new way* and *method*, viz. *to divide the Church* by the Madness of *Schismaticks*: But the holy Synod being also willing to obviate this Stratagem of his, has decreed as follows;

If any Presbyter or Deacon, under *pretext of ousting* his own Bp. of any Crimes, *shall presume* to withdraw from his Communion, and not mention the Name in the holy Prayers of the Liturgy.